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C.R.P. (PD) .No.4157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4157 of 2022

and

C.M.P.No.21721 of 2022

C.Palaniammal

.. Petitioner

Vs.

1.Dr.C.Jayapal

2.Shanthi

3.Poongudi Menakshi

4.Yaswanthi

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 15.10.2022 and allow in I.A.No.1 of 2021 in O.S.No.346 of 2021 on the file of the Court of District and Sessions Court, Krishnagiri District by allowing the Civil Revision Petition.

For Petitioner

: Mr.M.Abishek



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for Mr.Rajendraprasad K

For R1 : Mr.P.Srinivas

For R2 : Mr.N.K.Ponraj

For RR 3 & 4 : Mr.B.Sudhir Kumar
for Dr.G.Babu

ORDER

Feeling aggrieved by the fact that the application not to alienate the property had been closed as the suit is ripe for trial, the plaintiff is on Civil Revision.

2.The plaintiff fears that the property which is the subject matter of the suit could be alienated by the respondents. Therefore, she filed suit in O.S.No.346 of 2021 for partition and other ancillary relief.

3.Pending the suit, she took out an application in I.A.No.1 of 2021 seeking for interim injunction restraining the defendants, their men, agents, etc., from alienating the property. The pleadings having been completed, the learned Trial Judge felt that the suit itself can be taken up for disposal and consequently, the application was closed. Hence, this Civil Revision Petition.



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4. When the matter came up for hearing before this Court, the respondents gave an undertaking that they will not alienate the property pending disposal of the revision. This undertaking was recorded on 21.01.2023. Thereafter, the interim injunction has been confirmed till the disposal of the Civil Revision Petition on 07.02.2023.

5. Learned counsel on both sides would submit that the pleadings have been completed and the matter is ripe for trial. Taking into consideration the age of the petitioner, a septuagenarian, who is fighting for her share in the property, which seems to be an off-shoot of the litigation between her son and daughter-in-law, it is her desire that the litigation be completed at an early date.

6. Taking into consideration the undertaking given by the learned counsel for the respondents on 20.01.2023 and the fact that the injunction has been granted by this Court on 07.02.2023 till the disposal of the revision, I feel that justice would be served if a direction is given to the learned Trial



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Judge to dispose of the suit within a period of nine (9) months from the date of receipt of a copy of this order. Till that time, the respondents shall stand by the undertaking and the property will not be alienated. It is left open to the parties to move an application for variation of the order of injunction, in case they face any difficulty due to non-alienation of the same. The learned District and Sessions Judge, Krishnagiri, is requested to dispose of the suit on or before 31.01.2025.

7.In the result, this Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.04.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The District and Sessions Court,
Krishnagiri District.

V.LAKSHMINARAYANAN, J.

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