



C.M.A.(MD).No.414 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.M.A.(MD).No.414 of 2024
and C.M.P.(MD).No.5457 of 2024

1.M.Chellam
2.C.Tamilarasi
3.C.Gopi
4.E.Kalppana

... Appellants/Respondents/Defendants

Vs.

C.Senthil Manickam ... Respondent/Petitioner/Plaintiff

PRAYER : Civil Miscellaneous Appeal is filed under Order 41 Rule 1(R) of Civil Procedure Code, to set aside the fair and decreetal order dated 22.01.2024 in I.A.No.862 of 2023 in O.S.No.316 of 2019, on the file of the learned IV Additional District Judge, Madurai, in so far as granting interim order of status quo order in respect of 'D' schedule item 5 and 6 alone.

For Appellants : Mr.V.R.Shanmuganathan

JUDGMENT

This appeal has been directed against the fair and decreetal order dated 22.01.2024 in I.A.No.862 of 2023 in O.S.No.316 of 2019, on the file of the learned IV Additional District Judge, Madurai, in so far as



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granting interim order of status quo order in respect of 'D' schedule item 5 and 6 alone.

2.The respondent herein, who is the plaintiff before the trial Court filed a suit in O.S.No.316 of 2019 for declaration and partition of the suit scheduled properties. Pending the suit, he filed an interlocutory application in I.A.No.862 of 2023 seeking temporary injunction. That was partly allowed and status quo was ordered.

3.Even though this appeal has been preferred against the order passed in I.A.No.862 of 2023, the learned counsel for the appellant would submit that if this Court thought it fit and appropriate, direction may be issued to dispose the suit at the earliest, since the suit is of the year 2019. According to him, because of the status quo order passed by the trial Court, he is not in position to pursue the further process in respect of the properties item Nos.5 and 6.

4.In view of the grievance expressed by the appellants' counsel and considering the fact that the suit is of the year 2019, this Court is inclined



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to give direction to the trial Court to dispose of the suit at the earliest.

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5. Accordingly, there shall be a direction to the learned IV Additional District Judge, Madurai, to expedite the trial process in the suit in O.S.No.316 of 2019 pending on his file and dispose of the same, within a period of five months from the date of receipt of a copy of this order. This civil miscellaneous petition stands disposed of with the above said directions. No costs. Consequently, connected miscellaneous petition is closed.

29.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The IV Additional District Judge, Madurai.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN,J.

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