

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.((PD) No.2488 of 2014
and M.P.No.1 of 2014

A. Chandrasekaran

..... Petitioner

vs.

T. Venugopal

.... Respondent

Civil Revision Petition filed under Section 227 of the Constitution of India for a direction to the XVII Additional Judge, (Fast Track Court), City Civil Court, Chennai to dispose of I.A.S.R.No.49780 of 2012 in O.S.No.11949 of 2010.

For petitioner	:	Mr.P.Karl Marx
For respondent	:	Mr.V. Lakshminarayanan for Mr.K. Thiyagarajan

ORDER

The plaintiff in O.S.No.11949 of 2010 on the file of XVII Additional, FTC , City Civil Court, Chennai has filed the above Civil Revision Petition to direct the trial court to dispose of the application in I.A.SR No.49780 of 2012

in O.S.No.11949 of 2010.

2. The plaintiff filed a suit in O.S.No.11949 of 2010, for specific performance or in the alternative for directing the defendant to pay a sum of Rs.14,34,050/-.

3. The defendant filed his written statement and is contesting the suit.

4. According to the learned counsel appearing on either side, the trial Court took up the matter for evidence and oral evidence on both sides was closed and the suit was posted for arguments. Now, at this stage, the plaintiff filed the above civil revision petition to direct the trial court to dispose of the application filed in the year 2012 in IA SR. No.49780 of 2012.

5. According to the learned counsel appearing for the petitioner, the petitioner filed the application in the year 2012, under Order 39 Rule 5 of Civil Procedure Code, to punish the defendant for violating the order of injunction granted in O.A.No.58 of 2006 in C.S.No.51 of 2006 dated 30.1.2006.

6. Though the application was filed in the year 2012, the plaintiff has not prosecuted the application for nearly three years. Since the suit itself is posted for arguments, I am of the view that instead of prosecuting the application, the trial court can be directed to dispose of the suit, within a stipulated time.

7. The learned counsel appearing on either side also agreed that the trial court may be directed to dispose of the suit within a stipulated time.

8. Having regard to the submissions made by the learned counsel on either side, I direct the XVII Additional Judge, Fast Track Court , City Civil Court, Chennai to dispose of the suit in O.S.No.11949 of 2010, on merits and in accordance with law, within a period of two months from the date of receipt of copy of this order.

9. With these observations, the Civil Revision Petition is disposed of. No costs.

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sr

Index:no
website:yes

M. DURAISWAMY,J.,

sr

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