

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2015

CORAM

THE HONOURABLE Ms. JUSTICE R.MALA

C.R.P.(PD).No.4060 of 2014

D.Karunakaran

..Petitioner

/vs/

- 1.Syed Ahmed
- 2.Syed Ibbrahim
- 3.Syed Akthar
- 4.Mamood
- 5.Habibunnisa
- 6.Jamilunjnisa
- 7.Shahitha Begum
- 8.Rhashitha Begam
- 9.Rihena Begam
- 10.Shahinas Begam
- 11.Shamshed Begam
- 12.N.Noor Basha
- 13.N.Anwar Basha
- 14.Minor Ayisa Banu rep. by her
mother and guardian Shamshed Begam
- 15.Syed Husainee Basha
- 16.Syed Aziz Basha
- 17.M.Sarjan Raj
- 18.K.Moses
- 19.M.Ravi
- 20.S.Dinesh Kumar
- 21.R.Vijay Sait

..Respondents

PRAYER :Civil Revision Petition is filed under Article 227 of the Constitution of India, to fix a time frame and direct the trial court to dispose of the I.A.No.711 of 2013 in O.S.No.46 of 2005 pending on the file of the Subordinate Court at Vellore.

For Petitioner : Mr.K.Elango
For Respondents : Mr.E.Kannadasan (For R20 to R21)
No appearance (For R1 to R14)

ORDER

This Civil Revision Petition has been filed to direct the Subordinate Court, Vellore to dispose of I.A.No.711 of 2013 in O.S.No.46 of 2005 within the stipulated time.

2.Learned counsel for the petitioner submitted that respondents 1 to 14 as plaintiffs filed a suit in O.S.No.46 of 2005 for partition and permanent injunction and also to appoint Advocate Commissioner. During the pendency of the suit, the petitioner/proposed 38th defendant filed an application in I.A.No.711 of 2013 to reject the plaint as well as the implead application filed by the respondents. He would further submitted that from 2013 onwards, the matter was periodically adjourned without disposing the same. Hence, he pray for early disposal of the application in I.A.No.711 of 2013 in O.S.No.46 of 2005.

3.The learned counsel for the respondents 20 and 21 submitted that he

has no objection for early disposal as sought for by the petitioner.

4. Even though notice was served to the respondents 1 to 14 and represented by a counsel, there is no representation on behalf of the respondents 1 to 14.

5. Recording the no objection given by the learned counsel for the respondents 20 and 21, I am of the view that it is a fit case to direct the trial Court to dispose of the application in I.A.No.711 of 2013 in O.S.No.46 of 2005 as early as possible. Accordingly, the Presiding Officer, Subordinate Court, Vellore, is directed to dispose of I.A.No.711 of 2013 in O.S.No.46 of 2005 within two months from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

15.12.2015

Index: Yes/No
Internet: Yes/No
cse

To

The Subordinate Court, Vellore.

R.MALA, J.

cse

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