

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.((PD) No.2765 of 2015

S.Ramanan

.... Petitioner

v.

M/s.Arulmighu Pateswarasamy Temple,  
Rep. By its present Executive Officer  
Mr.Rajmohan

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned III Additional District Munsif Court at Coimbatore to dispose of the I.A.No.4 of 2010 in O.S.No.1920 of 2006 within a time frame fixed by this court.

For Petitioner : Mr.V.Lakshmi Narayanan  
for Mr.P.Ananda Kumar

ORDER

The 3<sup>rd</sup> defendant in O.S.No.1920 of 2006 on the file of III Additional District Munsif Court, Coimbatore has filed the above Civil Revision Petition to direct the Trial Court to dispose of the application in I.A.No.4 of 2010, within a stipulated time.

2. The plaintiff filed the suit in O.S.No.1920 of 2006 for declaration and permanent injunction.

3. The 3<sup>rd</sup> defendant filed his written statement in the year 2007 and in the year 2010, the 3<sup>rd</sup> defendant filed an application in I.A.No.4 of 2010, under Order VII, Rule 11 of CPC to reject the plaint. The plaintiff-temple also filed their counter in the year 2010 itself and in spite of the completion of the pleadings, the Trial Court has not disposed of the application in I.A.No.4 of 2010,

4. The learned counsel appearing for the revision petitioner submitted that though the suit was filed by the plaintiff in the year 2006, the suit is being adjourned on the ground that the application filed under Order VII, Rule 11 of CPC is pending. The Trial Court already adjourned the application in I.A.No.4 of 2010 for enquiry.

5. Since the application is pending for more than 5 years, I am of the view that the Trial Court should be directed to dispose of the application within a stipulated time.

6. Having regard to the submission made by the learned counsel appearing for the revision petitioner and also taking into consideration the limited prayer sought for in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the III Additional District Munsif Court, Coimbatore to dispose of the application in I.A.No.4 of 2010 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With this observation, the Civil Revision Petition is disposed of. No costs.

Index : No  
Internet : Yes

13.07.2015

Note : Issue copy of the order by 14.07.2015

Rj

To  
The III Additional District Munsif Court,  
Coimbatore

M. DURAISWAMY,J.,

Rj

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