

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3047 of 2015

and

M.P.No.1 of 2015

M.Sankaran
S/o.Muthukaruppan

.. Petitioner/Petitioner/Plaintiff

Vs.

G.Krishnamoorthy (Deceased)

1.G.Mani

2.G.Ganesan

3.D.Kasthuri

4.D.Sekar

5.D.Boopathi

6.D.Kothandan

7.P.Mallika

8.P.Selvi

9.P.Rudrakumar

10.P.Maheshkumar

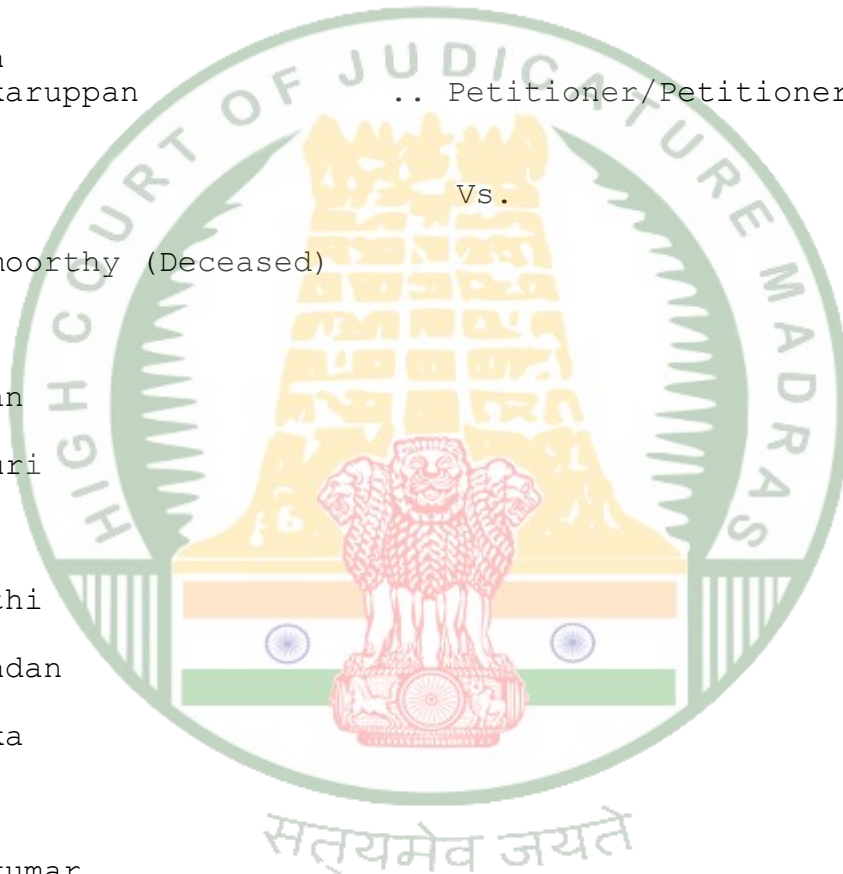
11.S.Lalitha

12.S.Dinesh

13.S.Prakash

14.K.Santhi

15.K.Sangeetha



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16.K.Vignesh

17.G.Amsakumari

.. Respondents/Respondents/Defendants

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 03.07.2015 made in I.A.No.3946 of 2015 in O.S.No.8300 of 1996 on the file of the V Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.V.Venkkatasamy

O R D E R

The revision petitioner is the plaintiff in O.S.No.8300 of 1996 on the file of the V Assistant Judge, City Civil Court, Chennai. In fact, the suit was originally filed in the year 1992 on the original side of this Court in C.S.No.159 of 1992 and later on, due to the enhancement of pecuniary jurisdiction of Civil Court, the suit was transferred to the file of the City Civil Court.

2. The prayer in the suit is to declare that the revision petitioner is the owner of the rear part of the house and ground situated at Ellaiamman Koil Street, Kottur, Madras-85 being part of present door No.62 and more fully described in the second schedule hereunder and order the defendants to deliver vacant possession of the same to the plaintiffs.

3. It is stated by the learned counsel for the revision petitioner that the evidence on the side of the plaintiff was over and five witnesses were also examined on the side of the defendants. However, the defendants' side evidence is not closed so far.

4. In the mean time, the petitioner/plaintiff had filed I.A.No.3946 of 2015 in O.S.No.8300 of 1996 under Order 12 Rule 6 CPC to pass a decree, as there is admission in the written statement in favour of the plaintiff with regard to the relief sought for in the suit. The said application was rejected by the Trial Court by an order dated 03.07.2015 and against the aforesaid order, the present Civil Revision Petition has been preferred.

5. Though the learned counsel for the revision petitioner initially sought to argue that the order of the Trial Court dated 03.07.2015 has to be set aside and decree has to be passed as prayed for without trial in view of the admission made in the written statement, the learned counsel ultimately submitted that he would be satisfied if a direction is issued to the Trial Court to complete the suit and pass a final decree within a stipulated time, as the matter is pending for the past 23 years, from the year 1992 onwards.

6. In the said circumstances, the Civil Revision Petition is disposed of with a direction to the Trial Court to dispose of the suit in O.S.No.8300 of 1996, by passing final judgment and decree within a period of four months from the date of receipt of a copy of this order. Connected miscellaneous petition is closed. No costs.

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s/d-
Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

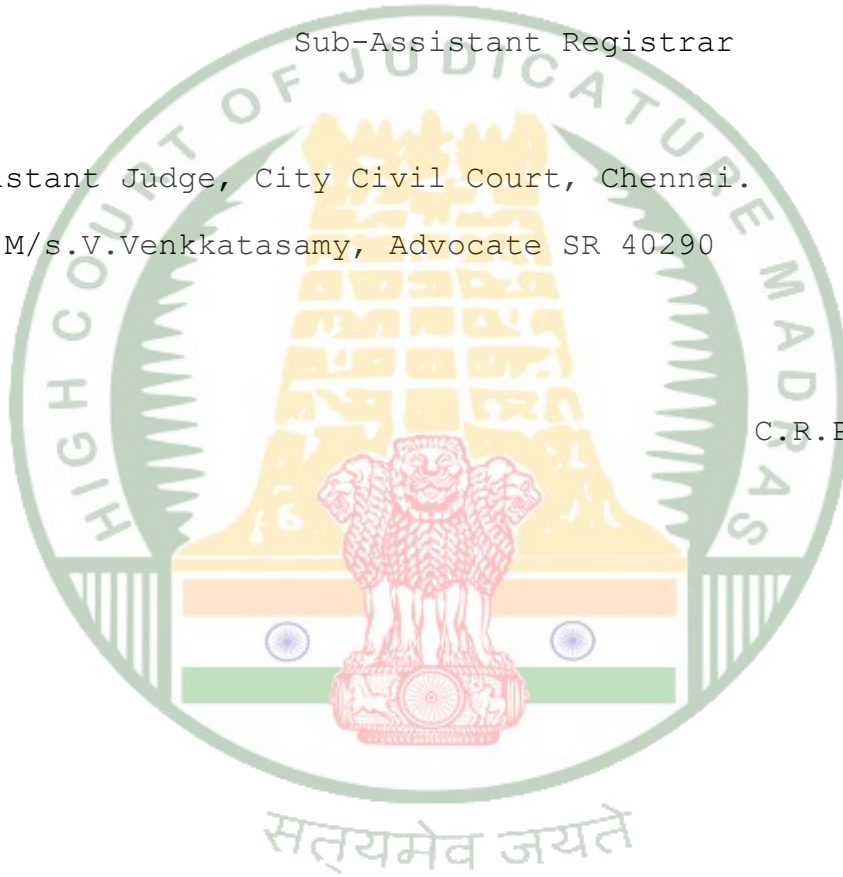
To

The V Assistant Judge, City Civil Court, Chennai.

+ 1 cc to M/s.V.Venkkatasamy, Advocate SR 40290

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