

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.494 OF 2015

D.Govindarajan ... Petitioner

Vs.

Leelavathy ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India with a prayer to direct the early disposal of the proceedings in I.A.No.546 of 2014 as well as O.S.No.1432 of 2012 pending on the file of District Munsif Court, Coimbatore.

For Petitioner : Mr.K.Doraisami
Senior Counsel
for M/s.Muthumani Doraisami

ORDER

This Civil Revision Petition is filed seeking for a direction for disposal of I.A.No.546 of 2014 as well as O.S.No.1432 of 2012 pending on the file of the learned First Additional District Munsif, Coimbatore.

2.The petitioner has filed the suit in O.S.No.1432 of 2012 against the respondent for permanent injunction and other relief.

3.In the suit, the respondent filed an application in I.A.No.546 of 2014 under Order I Rule 10 and Section 151 of the Code of Civil Procedure to implead the Executive Officer, Kalapatty Town Panchayat, Coimbatore, as party to the suit.

4.Mr.K.Doraisami, learned Senior Counsel for the petitioner has submitted that the east west 30 feet Road in S.F.Nos.366 and 367 of Kalapatty Village had been gifted to the local Panchayat. Even then, the respondent is preventing the petitioner from using the road. In the above circumstances, the petitioner had instituted the suit in the year 2012. Now, Kalapatty Town Panchayat has been merged with the Coimbatore Municipal Corporation and now Kalapatty Town Panchayat is no longer in existence, but only to drag on the proceedings, the respondent has filed the interim application to implead the Executive Officer, Kalapatty Town Panchayat as party in the suit.

5.The learned Senior Counsel has further submitted that there is an urgency for disposal of the suit. It is submitted that the trial had commenced in the month of January 2014 and the plaintiff was examined as P.W.1 on

06.01.2014 and also marked documents on 22.01.2014 and only thereafter, the respondent has filed the interim application and he has been dragging on the case.

6.Considering the submissions of the learned Senior Counsel for the petitioner, this Court is inclined to issue direction as sought for in this Civil Revision Petition. Accordingly, the learned First Additional District Munsif, Coimbatore is directed to dispose of I.A.No.546 of 2014 within a period of two months from the date of receipt of a copy of this order and dispose of the suit in O.S.No.1432 of 2012 within a period of four months therefrom.

7.This Civil Revision Petition is disposed of accordingly. No costs.

06.02.2015

Index : Yes/No
Internet : Yes/No
Note : ***Issue order copy on 10.02.2015***
TK

To

The First Additional District Munsif
Coimbatore.

K.KALYANASUNDARAM, J.
TK

C.R.P.(PD) NO.494 OF 2015

06.02.2015