

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.495 OF 2015

Prabu ... Petitioner

Vs.

1.Ramaiah
2.Varadarajan
3.Jayaprakash Narayanan
4.Lohia
5.Kuppusamy ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India with a prayer to direct the trial court to dispose of the petition in I.A.No.446 of 2014 in I.A.No.90 of 2012 in O.S.No.146 of 2009 on the file of the learned District Munsif Court, Sankari within a time frame.

For Petitioner : Mr.N.Manokaran

ORDER

This Civil Revision Petition is filed seeking for a direction for disposal of the applications in I.A.No.446 of 2014 and I.A.No.90 of 2012 in O.S.No.146 of 2009 pending on the file of the learned District Munsif, Sankari.

2.The respondents had instituted the suit in O.S.No.146 of 2009 against the petitioner and three others for declaration and permanent injunction. The suit was decreed exparte on 21.08.2009. The petitioner filed applications in I.A.No.90 of 2012 to set aside the exparte decree and I.A.No.446 of 2014 to condone the delay in filing application to set aside the exparte decree.

3.Mr.N.Manokaran, learned counsel for the petitioner submitted that despite the applications were filed in the year 2012 and 2014, the respondents have been unnecessarily taking adjournments and at the same time, instigating the other parties to interfere with the possession of the petitioner. It is further submitted that seeking direction for speedy trial is the fundamental right conferred under Article 21 of the Constitution of India.

4.Considering the facts and the submissions of the learned counsel for the petitioner, this Court is inclined to grant direction as prayed for.

5.Accordingly, this Civil Revision Petition is disposed of with a direction to the learned District Munsif, Sankari to dispose of the applications of the petitioner in I.A.Nos.90 of 2012 and 446 of 2014 in O.S.No.146 of 2009, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.
No costs.

16.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The District Munsif
Sankari.

K.KALYANASUNDARAM, J.

TK

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