



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P. (MD) (PD) No.2206 of 2015

1.Syed Mohamed
2.Mohamed Gani

... Petitioners/Petitioners/
Defendants 2 and 3

Vs.

1.Balasubramanian

... 1st Respondent/1st Respondent/
Plaintiff

2.Lakshmanan

.. 2nd Respondent/2nd Respondent/
1st Defendant

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct the Subordinate Court, Pudukottai to dispose of I.A.No.372 of 2014 in O.S.No.84 of 2014 as early as possible.

For Petitioner : Mr.N.Balakrishnan

ORDER

The defendants 2 and 3 in O.S.No.84 of 2014, on the file of the Subordinate Court, Pudukottai have filed the above Civil Revision Petition to direct the trial Court to dispose of the application filed by them under Order 7 Rule 11 of the Code of Civil Procedure in I.A.No.372 of 2014 within a stipulated time.

2.Heard the learned Counsel appearing for the petitioners.

3.The plaintiff filed the suit in O.S.No.84 of 2014 for declaration and permanent injunction. In the said suit, the defendants filed an application in I.A.No.373 of 2014 under Order 7 Rule 11 of the Code of Civil Procedure to reject the plaint.

4.The learned Counsel appearing for the petitioners submitted that though the defendants have filed the application as early as in
<https://hcservices.ecourts.gov.in/hcservices/Aspirants/2014> the trial Court has not disposed of the same yet. Further the learned Counsel submitted that the plaintiff has not



filed his counter affidavit in the said application and taking time periodically. That apart, the learned Counsel also submitted that in view of the pendency of the application for a long time, the defendants 2 and 3 are put to hardship and prejudice.

5. Having regard to the submissions made by the learned Counsel appearing for the petitioners and also taking into consideration the limited prayer sought for in this Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the Subordinate Judge, Pudukottai to dispose of the application in I.A.No.372 of 2014 in O.S.No.84 of 2014 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Per.Admn.)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Pudukottai.

+lcc to Mr.N.Balakrishnan, Advocate SR.No.61917

akm/26.10.2015 /2p-3c/

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