



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.648 of 2015 (PD)

and

M.P. (MD) .No.1 of 2015

1.Eben @ Oliver Issac Ebensingh

2.Alwin @ Alwin Ronald Jebasingh ... Revision Petitioners

vs.

Balakrishnan

... Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 05.03.2015 in I.A.No.203 of 2014 in A.S.No.34 of 2014 on the file of the Principal Sub Court, Tenkasi.

For Petitioners : Mr.K.Chengiz Khan

O R D E R

The appellants in A.S.No.34 of 2014 had filed I.A.No.203 of 2014 on the file of the Principal Sub Court, Tenkasi for stay of all further proceedings in O.S.No.843 of 2004 on the file of the District Munsif Court, Tenkasi.

2.The said application is for grant of stay of further proceedings of the suit in E.P.No.58 of 2014. In I.A.No.203 of 2014, notice was taken and it was posted for hearing and disposal on 08.12.2014 and counter was also filed on 12.02.2014. Thereafter, both sides argument were heard and the matter was posted for order on 23.12.2014. From 23.12.2014, it has been adjourned several months and no order has been passed. Again the matter is posted on 30.03.2015 for clarification.

3.As the I.A is filed under Order 41 Rule 5 of C.P.C., the learned Judge should have taken it at the earliest and disposed of. Even after counter was filed, the matter was heard as early as in December 2014, it is un-understandable why the learned Judge has not passed any order in I.A., driving the revision petitioners to this Court.



4.It is submitted by the learned counsel for the petitioners that the execution petition is already levied and delivery of possession is also been ordered.

5.In such circumstances, this Court is inclined to direct the Principal Subordinate Court, Tenkasi to dispose of I.A.No.203 of 2014 on the next adjournment dated viz., 30.03.2015, without fail and report compliance to this Court.

Accordingly, the civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The Principal Subordinate Court, Tenkasi.

+1cc to Mr.G.Prabhu Rajadurai, Advocate, in SR. No.15190/15.

C.R.P.(MD).No.648 of 2015(NPD)
27.03.2015

Ns

msm 27.03.2015 p2/3c(IT & FAX)