

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2022 of 2014

and M.P.No.1 2014

1. G.Balasubramanian
2. Nalini

... Petitioners

vs.

1.Viyagulamary
2. Mary
3. Annaian

... Respondents

Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 22.11.2013 made in I.A.No.1145 of 2012 in O.S.No.174 of 2007 on the file of the District Munsif Court, Mathuranthagam.

For petitioners : Mr.S.Udayakumar
For respondents : Mr.Y.Arulmanickam – no appearance

O R D E R

Challenging the fair and decreetal order dated 22.11.2013 passed in I.A.No.1145 of 2012 in O.S.No.174 of 2007 on the file of the District Munsif Court, Mathuranthagam, the defendants have filed the above Civil

Revision Petitions.

2. The plaintiffs filed the suit in O.S.No.174 of 2007 for declaration and permanent injunction. The suit was filed in the year 2007. The defendants filed their written statement on 04.11.2007 and were contesting the suit. Subsequently, the defendants filed an application in I.A.No.1145 of 2012 under Order 7 Rule 11 of the Code of Civil Procedure to reject the plaint. After contest, the trial Court, dismissed the application. Aggrieved over the same, the defendants have filed the above Civil Revision Petitions.

3. When the Civil Revision Petition came up for admission on 09.10.2014, this Court, ordered notice to the respondents recording the submission of the learned counsel for the petitioners that the matter could be settled once notice is issued to the respondents. Only for enabling the parties to settle the matter, notice was issued to the respondents.

4. The learned counsel appearing for the petitioners submitted that the trial of the suit had already commenced and the parties are letting in evidence.

5. Since the suit is pending from 2007 and that the trial of the suit had already commenced, I am of the view that instead of deciding the application filed under Order 7 Rule 11 of Civil Procedure Code, the trial Court can be directed to dispose of the suit within a stipulated time on all issues raising by the parties.

6. Accordingly, the fair and decreetal order dated 22.11.2013 passed in I.A.No.1145 of 2012 in O.S.No.174 of 2007 is confirmed and the Civil Revision Petition is dismissed. The District Munsif, Maduranthagam, is directed to dispose of the suit in O.S.No.174 of 2007 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, without being influenced by any of the observations given by the trial Court in I.A.No.1145 of 2012.

No costs. Connected miscellaneous petition is also dismissed.

14.09.2016

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To
The District Munsif,

Maduranthagam.

M. DURAISWAMY,J.,

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