

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

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THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD) Nos.4155 and 4156 of 2014
M.P.Nos.1 of 2015

1. J.Mohammed Zackaria
2. J.Tajudeen

... Petitioners

..vs..

Raja Reddy

... Respondent

Civil Revision Petitions filed under Article 227 of the Constitution of India for issuing appropriate direction to the Additional District Judge No.II, Poonamallee for taking up the applications in I.A.Nos.921 and 923 of 2014 in A.S.No.33 of 2011 separately and to dispose of accordingly prior to taking up of main appeal in A.s.No.33 of 2011.

For Petitioners : Mr.R.Subramanian, Senior Counsel
for Mr.D.Manimaran

For respondent : Mr.G.Dilip Kumar

COMMON ORDER

Heard Mr.R.Subramanian, learned Senior Counsel, for Mr.D.Manimaran, learned counsel appearing for the petitioners and Mr.G.Dilip Kumar, learned counsel appearing for the respondent.

2. Aggrieved over the Judgment and decree passed in O.S.No.501 of 2000 on the file of the Subordinate Court, Poonamallee, the revision petitioners filed an appeal in A.S.No.33 of 2011 on the file of the Additional District Court No.II, Poonamallee. In the said appeal, the revision petitioners filed two applications viz., I.A.No.921 of 2014 to issue subpoena to the concerned Revenue department viz., Tahsildar, Saidapet Taluk, for production of FMB Sketch relating to Survey Nos.420 and 425 and the other documents relating to patta claiming to have been issued in favour of the respondent and also the extract of 'A' Register concerning Survey No.420 etc. and I.A.No.923 of 2014 to appoint an Advocate Commissioner.

3. It is brought to the notice of this Court by the learned counsel appearing for the respondent that the respondent has filed his counter in both the applications.

4. It is the contention of the petitioners that the lower Appellate Court should be directed to dispose of both the applications i.e., I.A.Nos.921 and 923 of 2014, prior to the disposal of the first appeal.

5. The learned counsel appearing for the respondent has no objection for giving such a direction to the lower Appellate Court.

6. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the Civil Revision Petitions, without expressing any opinion with regard to the merits of the cases, I direct the Additional District Judge No.II, Poonamallee, to dispose of the applications in I.A.Nos.921 and 923 of 2014 in A.S.No.33 of 2011, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. The lower Appellate Court is also directed to dispose of the appeal within a period of three months from the date of disposal of the applications in I.A.Nos.921 and 923 of 2014.

With these observations, the Civil Revision Petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

15.09.2016

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To
The Additional District Judge No.II,
Poonamallee

M. DURAISWAMY,J.,
rg

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