

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.2085 & 2086 of 2016 &

C.M.P.No.10902 of 2016 in

CRP (NPD) No. 2085 of 2016

R.Prasad

... Petitioner in both CRPs

v.

Nandagopal @ V.Nanda

... Respondent in both CRPs

Civil Revision Petitions filed under Article 227 of the Constitution of India, to direct the III Assistant City Civil Judge, Chennai to hear and dispose of the Interim Application in I.A.Nos.511 & 512 of 2016 respectively in O.S.No.3977 of 2006 pending on the file of the aid court within the time period as may be fixed by this court.

For Petitioner : Mr.CPG Yoganand

COMMON ORDER

The second defendant in O.S.No.3977 of 2006 on the file of III Assistant Judge, City Civil Court, Chennai, has filed the above Civil Revision Petition to dispose of the Applications in I.A.Nos.511 & 512 of 2016, within a stipulated time.

2. The respondent-plaintiff filed the suit in O.S.No.3977 of 2006 for recovery of money.

3. By judgment and decree dated 29.04.2008, the Trial Court decreed the suit exparte.

4. Thereafter, the 2nd defendant filed an application in I.A.No.511 of 2016 to stay the Execution Petition in E.P.No.489 of 2014 in O.S.No.3977 of 2006 and the application in I.A.No.512 of 2016 to condone the delay of 2715 days in filing the application to set aside the exparte decree dated 29.4.2008.

5. The learned counsel appearing for the revision petitioner submitted that the respondent had filed his counter and the second defendant also let in oral evidence in the applications and that the applications are posted for arguments. The learned counsel further submitted that the Executing Court had ordered break open and police aid and therefore, appropriate orders

may be passed in the Civil Revision Petitions. The learned counsel also submitted that in view of the long pendency of the matter, the second defendant is put to hardship and prejudice.

4. In view of the submission made by the learned counsel appearing for the revision petitioner, without expressing any opinion with regard to the merits of the case, I direct the III Assistant Judge, City Civil Court, Chennai, to dispose of the applications in I.A.Nos.511 & 512 of 2016, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. Since the submission made by the learned counsel for the petitioner is beyond the scope of the Civil Revision Petitions, the relief sought cannot be granted in these Civil Revision Petitions. However, it is open to the second defendant to move the Trial Court for appropriate orders.

With these observations, the Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2016

Index : Yes/No

Note : Issue copy of the order by 12.07.2016

Rj

To
The III Assistant City Civil Judge,
Chennai

M. DURAISWAMY,J.,

Rj

C.R.P.(NPD)No.2085 & 2086 of 2016 &
C.M.P.No.10902 of 2016 in
CRP (NPD) No. 2085 of 2016

11.07.2016