

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.2737 OF 2016
AND CMP NO.14088 OF 2016

Muralikrishnan

... Petitioner

Versus

1.N.Jayalakshmi
2.Pattammal
3.Chandrasekar
4.Selvadurai
5.Lokeshwari
6.Mekala

7.The Purasawakkam Permanent Fund Ltd.,
No.173, Vallala Street,
Purasawakkam,
Chennai.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.3152 of 2016 in O.S.No.11985 of 2010 dated 22.06.2016 pending on the file of XIX Additional District City Civil Court at Chennai.

For Petitioner : Mr.S.Varanesh
For Respondents : Mr.Suraj Govindaraj

ORDER

The order dated 22.06.2016 in I.A.No.3152 of 2016 declining to set aside the *exparte* order dated 09.02.2011 is under challenge in this Civil Revision Petition.

2. When this matter came up for hearing on an earlier occasion, I have directed the petitioner to file an affidavit of undertaking that he would file written statement and cooperate for an early disposal of the matter, in case the *exparte* order is set aside.

3. Accordingly, the petitioner filed an affidavit of undertaking, to file written statement on or before 30.09.2016. The petitioner further stated that he would cooperate with the Trial Court for speedy disposal of the suit, along with the connected applications.

4. The petitioner pursuant to the undertaking dated 29 September 2016 filed written a statement before the Registry. The petitioner has also produced the list of documents relied on by him to defend his case.

5. In view of the undertaking given by the petitioner and his compliance of the same subsequently by filing written statement, I am of the view that the order passed by the Trial Court dated 22.02.2016 in I.A.No.3152 of 2016 is liable to be set aside.

6. The Order dated 22 June 2016 is set aside. The *ex parte* order passed against the petitioner on 09.02.2011 is hereby set aside.

7. The learned Trial Judge is directed to frame the following additional issues:-

1. Whether the sale deed executed by the 7th defendant in favour of the plaintiff is affected by fraud and irregularities.

2. Whether the sale deed is in contravention of decree passed in O.S.No.3628 of 2005.

8. The matter is now posted on 13 December 2016. The petitioner is directed to cross examine P.W.1 on the said date of hearing. The Trial Court thereafter shall post the matter day by day for continuation of evidence.

9. There shall be a further direction to the Trial Court to dispose of the original suit, as expeditiously as possible, and in any case, on or before 30 April 2017. In case, the petitioner fails to cooperate for an early disposal of the matter and seeks unnecessary adjournment in order to prolong the matter, it is open to the Trial Court to proceed further and dispose of the suit on the basis of available materials.

10. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected civil miscellaneous petition is closed.

10.11.2016

Note:

The Registry is directed to forward the written statement filed by the petitioner as sixth defendant, along with the documents, to the XIX Additional Judge, City Civil Court, Chennai, forthwith.

TK

To

The XIX Additional Judge
City Civil Court
Chennai.

K.K.SASIDHARAN, J.

TK

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<http://www.judis.nic.in>