

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.3383 OF 2016

Sagayamary

... Petitioner

Versus

Tamilselvan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India with a prayer to direct the III Assistant City Civil Court, Chennai to hear the suit in O.S.No.5223 of 2011 trial proceedings on day to-day basis and dispose the above suit within time frame.

For Petitioner : Mr.T.N.Murali Moghan
For Respondent : Mr.V.Kannan

ORDER

The petitioner filed a suit in O.S.No.5223 of 2011 before the III Assistant City Civil Court, Chennai, praying for a decree of declaration and mandatory injunction. The suit was kept pending

without any progress. The petitioner is therefore before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The extract of the A-Diary produced by the petitioner indicates that the suit was kept pending on account of the application in I.A.No.5647 of 2015. The Trial Court appointed Advocate Commissioner to inspect the suit property and submit a report. It appears that the Advocate Commissioner failed to submit a report, in spite of calling upon him to file report by the Court.

4. The learned Trial Judge is directed to issue notice to the Advocate Commissioner appointed in I.A.No.5647 of 2015 to complete the inspection and file report by 19 December 2016. Thereafter, the Trial Court shall receive the objection to the report and dispose of the application in I.A.No.5647 of 2015. Such exercise shall be completed on or before 09 January 2017.

5. The learned Trial Judge is directed to dispose of the civil

suit in O.S.No.5223 of 2011, as expeditiously as possible, and in any case, on or before 31 March 2017.

6. Since this Court has already negated the request made by the respondent for joint trial of the suit in O.S.No.3958 of 2013, in C.R.P.(PD) No.2016 of 2014 dated 11.09.2014, there is no need for the Trial Court to await the trial of the said suit for disposal of the suit in O.S.No.5223 of 2011.

7. The Civil Revision Petition is disposed of with the above direction. No costs.

24.11.2016

TK

To

The III Assistant City Civil Court
Chennai.

K.K.SASIDHARAN, J.

TK

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