

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3790 of 2016

Veeramal ... Petitioner

Vs.

P.M.Natarajan(died)

N.Rajeshwari (died)

1. N.Rajalakshmi

2. N.Nirmala

3. R.Natarajan

4. N.Prabhakaran

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying for the early disposal of I.A.No.308 of 2011 in O.S.No.69 of 2009 on the file of Sub-Court, Tambaram wherein the Court below is frequently adjourning the hearing without proper reasons.

For Petitioner : Ms.P.T.Asha for
M/s.Sarvabhauman Associates

ORDER

The suit is for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property by the plaintiff.

2. It is stated that fourth defendant in the suit died on 08.11.2015 and a memo to that effect was furnished to the plaintiff in July, 2010. However, it is stated that it is not the fourth defendant, who died, but it is only the second defendant who died and on furnishing the particulars of legal heirs, I.A.No.308 of 2011 was taken out by the plaintiff with an application to condone the delay in setting aside the abatement. The said application is pending till today.

3. As it could be seen from the notes papers, it is surprising to see that a simple application to bring on record the legal heirs, is kept pending for more than five years. Therefore, the present revision has been filed for seeking direction to dispose of the said application, which would enable the plaintiff to proceed with the suit and complete the trial.

4. As the suit itself is pending for more than seven years, the learned Subordinate Judge, Tambaram is directed to dispose of the Application in I.A.No.308 of 2011 on or before 23.12.2016.

5. With the said above direction, the Civil Revision is disposed of. No costs.

05.12.2016

Index : Yes/No

srn

To

The Sub Court,
Tambaram

PUSHPA SATHYANARAYANA.J

srn

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