



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.09.2016

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P (PD) (MD) No.1795 of 2016

1.R.Gogulam  
2.Ramaiyah

.. Petitioners/Defendants

vs.

A.Kavitha

.. Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to issue a direction directing the learned District Munsif, Lalgudi to dispose of the suit in O.S.No.370 of 2013 within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.S.C.Herold Singh

ORDER

The petitioner has filed the above Civil Revision Petition praying for a direction, directing the learned District Munsif, Lalgudi to dispose of the suit in O.S.No.370 of 2013 within a stipulated time fixed by this Court.

2.The learned counsel for the petitioners would submit that the respondent/plaintiff filed a suit in O.S.No.370 of 2013 before the learned District Munsif, Lalgudi, for declaration and permanent injunction. After service of notice to the petitioners/defendants therein, on 25.08.2015, vakalat was filed on behalf of the first petitioner. According to the learned counsel for the petitioners, I.A.No.1083 of 2015 is pending before the trial Court. According to him, written statement was also filed by the first defendant.

3.The learned counsel for the petitioners would submit that the respondent wantonly prolonging the case by getting adjournments before the trial Court. He would further submit that the first petitioner is working in abroad and he finds it very difficulty to travel to India on and off, for attending the case and the petitioners will co-operate to dispose of the main suit and the respondents. Therefore, it is necessary to consider the prayer sought for in the Civil Revision Petition, for early disposal of the suit itself. He would further submit that the respondent has also filed



an application in I.A.No.1083 of 2016 in O.S.No.370 of 2013 and the same is pending before the trial Court.

4.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioners.

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5.By taking into consideration the facts and circumstances of the case, in the interest of justice, this Court is inclined to pass the following orders:-

i) The trial Court is directed to dispose of the application in I.A.No.1083 of 2015 in O.S.No.370 of 2013 pending before the learned District Munsif, Lalgudi, within a period of eight weeks from the date of receipt of the copy of this order.

ii) In the event of I.A.No.1083 of 2015 being disposed of, if there is no other legal impediment for the Court below to dispose of the suit filed by the respondent herein in O.S.No.370 of 2013, the Court below is directed to dispose of the suit in O.S.No.370 of 2013 as expeditiously as possible.

6.With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To  
The District Munsif,  
Lalgudi.

+1cc to M/s.S.C.Herold Singh, Advocate SR.No.51663

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12.09.2016

ps

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