



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2016

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(MD)No.2069 of 2016

J.Elisor Joseph .. Petitioner/3rd Defendant
Vs.

1. R.Johny Roy .. Respondent/Plaintiff
2. A.Alex Vijaya Moses
3. Esther Sarojini Alex .. Respondents 2 & 3/
Defendants 1 & 2

PRAYER: Petition is filed under Article 227 of Constitution of India, to direct the learned II Additional Subordinate Judge, at Nagercoil, Kanyakumari District to dispose the suit in O.S.No.51 of 2015 on the file of the learned II Additional Subordinate Judge, at Nagercoil, Kanyakumari District along with the I.A.No.111 of 2015 within stipulated time fixed by this Court by allowing this Revision petition.

For Petitioner : Mr. M.Saravanakumar

O R D E R

This Civil Revision petition has been filed by the petitioner to direct the learned II Subordinate Judge, at Nagercoil, Kanyakumari District to dispose the suit in O.S.No.51 of 2015 on the file of the learned II Subordinate Judge, at Nagercoil, Kanyakumari District along with the I.A.No.111 of 2015 within a time frame.

2. Heard the learned counsel appearing for the petitioner and perused the records.

3. According to the petitioner, the first respondent herein filed a suit in O.S.No.51 of 2015, on the file of the II Additional Subordinate Court, at Nagercoil, Kanyakumari District, seeking the relief to set aside the order of attachment passed in I.A.No.836 of 2003 in O.S.No.373 of 2003 passed by the I Additional Subordinate Court, Nagercoil. The aforesaid suit was renumbered in the year 2015. The first respondent herein filed an application in I.A.No.111 of 2015 before the II Additional Subordinate Court, at Nagercoil, Kanyakumari District and the



aforesaid application has been adjourned from time to time. In view of the fact that the said application is pending for a long period and even though the issues have been framed by the Trial Court, but the trial could not be commenced, in view of the pendency of the aforesaid I.A.

4. The learned counsel for the petitioner also submitted that even though the prayer in C.R.P., is to dispose of, the suit in O.S.No.51 of 2015, he has restricted in his prayer and it is suffice to dispose of the aforesaid I.A.No.111 of 2015 within the stipulated time.

5. In view of the aforesaid submission made by the learned counsel for the petitioner, considering the facts and circumstances of the case and in the interest of justice, it is just and proper for this Court to pass the following order:-

a) The II Additional Subordinate Court, Nagercoil is directed to dispose the I.A.No.111 of 2015 in O.S.No.51 of 2015 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

b) After the disposal of the said application, the II Additional Subordinate Court, Nagercoil is directed to dispose of the suit in O.S.No.51 of 2015 as expeditiously as possible.

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

Sd/
Assistant Registrar(C.S-II)

/TRUE COPY/

Sub Assistant Registrar

To

The II Subordinate Judge,
Nagercoil, Kanyakumari District.

+1cc to M/S.M.Saravana Kumar, Advocate in SR.No.60882.

C.R.P. (MD) No.2069 of 2016
17.10.2016

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