



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) No.47 of 2016

Rathinam

.. Petitioner

Vs.

1.Santhanam
2.Sundaravelu
3.Balu

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned I-Additional District Munsif, Trichy, to dispose the interlocutory application in I.A.No.566 of 2013 in O.S.No.1406 of 2009 on the file of the said court, within a time frame that may be fixed by this Court.

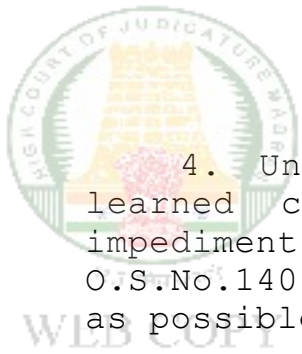
For Petitioner : Mr.R.Sundar

ORDER

Invoking the provisions of Article 227 of the Constitution of India, the petitioner has approached this Court with this Civil Revision Petition, seeking a direction to the the learned I-Additional District Munsif, Trichy, to dispose the interlocutory application in I.A.No.566 of 2013 in O.S.No.1406 of 2009, as expeditiously as possible preferably within a time, which may be fixed by this Court.

2. Heard Mr.R.Sundar, learned counsel appearing for the petitioner and perused the averments of the grounds of the transfer Civil Miscellaneous Petition.

3. It is manifested from the records that the suit in O.S.No.1406 of 2009 has been filed by the respondents 1 to 3 as against the revision petitioner, seeking the relief of permanent injunction. On 06.01.2012 the suit was decreed as ex-parte for non-filing of written statement on the part of the revision petitioner. To file an application for setting aside the ex-parte decree, there was a delay of 603 days. Only for condone the delay of the said 603 days in filing the petition, the revision petitioner, who is the defendant in the suit, has filed an application in I.A.No.566 of 2013. That petition seems to have been filed on 30.09.2013. Unfortunately, for the past two years, the suit has been adjourned for several hearings without assigning any reason. It is also to be noted that the respondents have filed their counter statement on 16.04.2014.



4. Under this circumstances, as submitted by Mr.R.Sundar, learned counsel for the petitioner, there may not be any impediment in disposing this application in I.A.No.566 of 2013 in O.S.No.1406 of 2009 either this side or that side as expeditiously as possible.

5. However, the reason is not known, as to why the trial judge has procrastinating this petition unnecessarily. In these circumstances, the petitioner has approached this Court by way of this Civil Revision Petition, seeking a direction to the learned I-Additional District Munsif, Tiruchirappalli, to dispose the above said application as expeditiously as possible.

6. Having been taken into consideration of the related facts and circumstances, this Court is of view that in the interest of Justice, it may be expedient to issue a direction to the trial Court, as sought for by the petitioner.

7. Accordingly, this Civil Revision Petition is allowed. The learned I-Additional District Munsif, Tiruchirappalli, is hereby directed to dispose the interlocutory application in I.A.No.566 of 2013 in O.S.No.1406 of 2009 within a period of fifteen days from the date of receipt of a copy of this order, without loss of further time. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

I-Additional District Munsif, Tiruchirappalli.

+One cc to Mr.R.Sundar, Advocate, SR.No.2825

PJL
RL/3C/AAL/MPA/5/2/2016