

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.1117 of 2017

1. Amirthavalli
2. Vettrivel
3. Sasikala

...Petitioners

..Vs..

Venugopal (died)

1. Gowri
2. Babu alias Kumar
3. Mohan

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Additional District Court, Fast Track Court -1, Chengalpattu, to dispose of the I.A. No.92 of 2016 in O.S.No.463 of 2004 within a time to be fixed by this Hon'ble Court in accordance with law.

For Petitioners : Mr.C.Jagadish

ORDER

This Civil Revision petition has been filed seeking direction to the learned Additional District Court, Fast Track Court-1, Chengalpattu, to dispose of the I.A. No.92 of 2016 in O.S.No.463 of 2004, within a time to be fixed by this Court in accordance with law.

2. Heard Mr.C.Jagadish, learned counsel appearing for the

petitioners.

3. The learned counsel appearing for the petitioners submits that the petitioners have filed IA. No.92 of 2011 in OS. No.463 of 2004, which is pending before the learned Additional District Court, Fast Track Court -1, Chengalpattu. The said application in IA.No.92 of 2011 is filed to appoint an Advocate-Commissioner to ascertain the past and future mesne profits, i.e. from 09.02.1995 in respect of the suit B schedule property. Pursuant to the order passed in the said IA an Advocate-Commissioner was appointed, but so far, the Advocate-Commissioner has not filed his report. In the meantime, the first respondent Venugopal died on 06.10.2012 and hence I.A.No.137 of 2013 has been filed to bring on record the legal representatives of the deceased 1st respondent and to implead them as respondents 5 to 10 in IA. No.92 of 2011. Further, I.A.No.138 of 2013 has been filed to appoint the proposed 8th respondent as the guardian of the proposed respondents 9 and 10 till the aforesaid applications are pending. The present CRP has been filed for early disposal of IA No.92 of 2016 in the aforesaid suit.

4. At this stage, the prayer in the Civil Revision Petition cannot be considered, since, IA.Nos.137 of 2013 and 138 of 2013 are

pending before the Court below. The learned counsel would further submit that it is suffice to direct the Court below to dispose of IA Nos.137 and 138 of 2013 within a time frame. Thereafter, the present IA. No.92 of 2016 is to be disposed of at the earliest.

5. I have considered the submissions made by the learned counsel for the petitioners. Without expressing any opinion on the merits of the case, and as the prayer in the Civil Revision Petition is for limited scope, in the interest of justice, this Court is inclined to direct the learned Additional District Judge, Fast Track Court No.1, Chengalpattu, to first dispose of I.A.Nos. 137 and 138 of 2013 as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order. In the event of the above said applications being disposed of by the Court below, the Court below thereafter shall dispose of IA No.92 of 2011 as expeditiously as possible.

D.KRISHNAKUMAR, J.,

jv

6. With the above directions the Civil Revision Petition is disposed of. No Costs.

05.04.2017

Index: Yes/No
Internet: Yes

jv

To

The Additional District Court,
Fast Track Court I
Chengalpattu.

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