

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1331 of 2017
& C.M.P.No.6199 of 2017

1.P.Muthammal
2.A.Kalyani
3.T.Vijayalakshmi
4.M.Poonkodi
5.P.Bakthavachalam

.. Petitioners

Vs.

P.Devaraj

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to expedite an interlocutory application made in I.A.No.646 of 2015 in O.S.No.220 of 2015 on the file of the learned Additional District Judge at Chengalpattu, Kancheepuram District and dispose of the same.

For Petitioner : Mr.B.Dayalan

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Additional District Judge at Chengalpattu,

Kancheepuram District, to dispose I.A.No.646 of 2015 in O.S.No.220 of 2015, within a stipulated period of time.

2.The petitioners are defendants and the respondent is the plaintiff in O.S.No.220 of 2015 on the file of the learned Additional District Judge at Chengalpattu, Kanchipuram District. The plaintiff/respondent has filed the suit for passing of preliminary decree of partition, for declaration that the settlement deed dated 20.03.2015 executed by the first defendant in favour of the defendants 2 to 5 as null and void and for permanent injunction restraining the defendants 1 to 5 not to alienate the suit properties to any third party. The petitioners filed I.A.No.646 of 2015 under Order VII Rule 11 (a) and (d) of C.P.C to reject the plaint on the ground that the suit filed by the petitioners is barred by law under Benami Transactions Prohibition Act, 1988 and that there is no cause of action arising for filing of the suit.

3.Learned counsel for the petitioners would submit that the plaintiff/respondent filed a counter for the said application on 14.03.2016 and enquiry was conducted on 07.04.2016 and 04.06.2016. The said application was reserved for orders and

posted on 27.02.2016. Subsequently, no orders was passed. In these circumstances, the petitioners have come up with the present civil revision petition for early disposal of the interlocutory application.

4. Heard the learned counsel appearing for the petitioners.

5. Having regard to the submissions made by the learned counsel for the petitioners, considering the limited prayer sought for in the civil revision petition, without expressing any opinion with regard to the merits of the matter, I direct the learned Additional District Judge, Chengalpattu, Kancheepuram District, to dispose of I.A.No.646 of 2015 in O.S.No.220 of 2015, on merits and in accordance with law, as expeditiously as possible and in any event, not later than 30.06.2017.

6. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

11.04.2017

Index :Yes/No
dm/kj

V.M.VELUMANI,J.

dm/kj

To

The Additional District Judge,
Chengalpattu,
Kancheepuram District.

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