

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.1530 of 2017

K.A.Sheela

.. Petitioner

Vs

V.M.Jawaharlal

.. Respondent

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to direct the Family Court at Salem to dispose I.A.No.53 of 2015 in O.S.No.12 of 2013 on the file of the Family Court at Salem within one month from the date of receipt of the order of this Court.

For Petitioner : M/s.Waraon and Sai Rams

ORDER

The petitioner has filed this Civil Revision Petition to direct the Family Court at Salem to dispose of I.A.No.53 of 2015 in O.S.No.12 of 2013, within one month from the date of receipt of the order copy issued by this Court.

2. The petitioner is the first defendant in the suit. The respondent/plaintiff filed a suit for declaration and for permanent injunction in O.S.No.12 of 2013, on the file of the Family Court, Salem. Pending disposal of the suit, the petitioner/1st defendant filed an application in I.A.No.53 of 2015 under Order VII Rule 11(a)

and 11(d) and Section 151 of CPC to reject the plaint in O.S.No.12/2013, on certain grounds. The said application was filed on 28.01.2015, and counter affidavit was filed by the respondent/plaintiff in the month of October 2015. Thereafter, the application was taken up for hearing on several occasions and the respondent had also argued the matter. But, till date, no orders have been passed by the learned trial Judge in the said application. Hence, the petitioner has come out with the present Civil Revision Petition seeking a direction to the learned Judge to dispose of the I.A.No.53 of 2015 in O.S.No.12 of 2013, within the time framed to be fixed by this Court.

3. Heard the learned counsel appearing for the petitioner.

4. Having regard to the submissions made by the learned counsel for the petitioner, and considering the limited prayer sought for in the civil revision petition and that the suit is pending from the year 2013, without expressing any opinion with regard to the merits of the matter, I direct the Family Court, Salem, to dispose of the application in I.A.No.53 of 2015 in O.S.No.12 of 2013, on merits and in accordance with law, as expeditiously as possible, in any event, not later than 31st July 2017.

4. The Civil Revision Petition is disposed of with the above direction. No costs.

26.04.2017

ds

Note : Issue order copy on 27.04.2017

Speaking Order/Non-speaking order
Index : Yes/No

To:
The Family Court,
Salem.

V.M.VELUMANI,J

ds

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