

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CMP. No.9727 of 2017 and
CRP.NPD.No.SR95240 of 2016

1.Kusum S.Thakker

2.Babulal S.Thakker

3.Arun S. Thakker

... Petitioners

Vs.

Vikesh Kumar O. Jain

...Respondent

PRAYER:

The Civil Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code to dispense with the docket entries in the above RCA No.156 of 2010 pending disposal of the above Civil Revision Petition.

For petitioners : M/s.B.Rama

ORDER:

According to the learned counsel for the petitioner, one, Mrs.Hemalatha Ben S.Thakker filed an appeal in RCA No.156 of 2010

before the VIII Small Causes Court, Chennai against the order passed in RCOP.No.1046 of 2008, for fixation of fair rent. The said appeal was filed in the year 2010. After hearing the arguments of both counsels, the Judgment was reserved on 17.02.2017 by the learned Judge by a docket order dated 17.02.2017. Subsequently, the case was posted for Judgment. On that day, it was not delivered due to some reason. Hence, the legal heirs of the petitioner in the above appeal have taken steps to file a Civil Revision Petition before this Court to direct the appellate Court to dispose of the said appeal as expeditiously as possible within a time frame fixed by this Court. Further, as the petitioners were not able to get a copy of the docket order which is challenged in this Civil Revision Petition, the present miscellaneous petition in CMP.No.9727 of 2017 to dispense with the docket entries in the above RCA.No. pending disposal of the above Civil Revision Petition.

2. On perusal of the records, it is seen that after hearing the arguments of both counsels, the Judgment was reserved for orders on 17.02.2017. Subsequently, the case was posted for Judgment, but the learned Judge was unable to pronounce, the reason of which has been stated in the docket order. Hence, the petitioners have filed this Civil Miscellaneous Petition to dispense with the docket entries in the above appeal for filing a Civil Revision

Petition to direct the appellate Court to dispose of the said appeal as expeditiously as possible within a time frame fixed by this Court.

3. In view of the above, this Court is not inclined in fixing a time frame to dispose of the above appeal as prayed for by the petitioners. However, as the arguments are concluded and Judgment has been reserved for orders, the learned Judge is directed to dispose of the said appeal as expeditiously as possible.

4. The Civil Revision Petition is dismissed with above directions in the SR stage itself. Consequently, the miscellaneous petition is also dismissed. No costs.

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok

30.06.2017

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D.KRISHNAKUMAR.J,

To
The VIII Small Causes Court,
Chennai



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