

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1857 of 2017

1.Jeyanthi Devi
2.Vasanthakumari
3.Vivekanandan

.. Petitioners

Vs.

1.K.Panneer Selvam
2.Marimuthu

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, X Assistant City Civil Court, Chennai, to dispose E.A.No.719 of 2013 in E.P.No.1272 of 2012 in O.S.No.3220 of 2003 within the time limit fixed by this Court.

For Petitioners : Ms.Y.Kavitha

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Judge, X Assistant City Civil Court, Chennai, to dispose E.A.No.719 of 2013 in E.P.No.1272 of 2012 in O.S.No.3220 of 2003 within the time limit fixed by this Court.

2. The petitioners are the plaintiffs, first respondent is the third party and second respondent is the defendant in O.S.No.3220 of 2003. After contest, the suit was decreed on 06.04.2009. Against the order of dismissal, the second respondent filed A.S.No.263 of 2010 and the same was dismissed by the first appellate Court on 20.01.2011. The petitioners/decreed holders filed E.P.No.1272 of 2012 and the same is pending for the past five years. When the execution petition has been posted for execution of warrant, the first respondent filed E.A.No.719 of 2013 to declare that the schedule mentioned property has been in the possession of the first respondent and to restrain the petitioners from dispossessing the first respondent. In E.A.No.719 of 2013, trial commenced on 15.07.2014, first respondent filed his proof affidavit on 21.08.2014 and the case was adjourned for marking of documents. The said

application was dismissed for default on 15.09.2014 and the same was restored on 15.10.2014.

3. According to the petitioners, the first respondent filed number of applications one after another for restore, recall and reopen the evidence after commencement of trial. From the year 2014 onwards, E.A.No.719 of 2013 is kept pending without any progress. In the circumstance, the petitioners have come out with the present civil revision petition for early disposal of the said 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 Judge, X Assistant City Civil Court, Chennai, to dispose E.A.No.719 of 2013 in E.P.No.1272 of 2012 in O.S.No.3220 of 2003, on merits and in accordance with law, as expeditiously as possible, in any event, not later than two months from the date of receipt of a copy of this order.

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

13.06.2017

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To

X Assistant City Civil Court, Chennai.

V.M.VELUMANI,J.

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