

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.234 of 2017

Sundari		.. Petitioner
	Vs.	
Marimuthu		.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to pass an order for early disposal of I.A.No.216 of 2015 in O.S.No.14 of 2015 on the file of the District Munsif-cum-Judicial Magistrate Court, Nannilam, within the time stipulated by this Court.

For petitioner : Mr.S.Sounthar

ORDER

The revision petitioner/plaintiff had filed the suit for injunction and the defendant has filed the counter claim for specific performance. The plaintiff denied the execution of agreement and filed I.A.No.216 of 2015 for sending the document to compare the signature found thereon with the admitted signatures of the revision petitioner. As the defendant has sought for specific performance, the comparison of the signature is necessary. The

said I.A. was filed in August 2015 and the matter has been adjourned time and again only for filing of the counter of the respondent. Learned counsel for the petitioner points out that when the matter was listed on 19.12.2016 for filing counter, it was adjourned to 17.03.2017 for filing counter. Hence, the revision is now filed by the petitioner/plaintiff seeking an early disposal of the said I.A. It is not known as to why the District Munsif has been adjourning the I.A. for more than two years and it is only an application to appoint an Advocate Commissioner to send the document to the expert for obtaining an opinion for easy adjudication of the case. If the respondent is not interested in filing counter, despite granting him sufficient opportunities, the learned District Munsif has to proceed with the matter and not to adjourn it prejudicing the interest of the plaintiff. From the docket orders passed by the Court below, it is seen that I.A. has been periodically adjourned month after month in a mechanical manner without application of mind and last of such entry is adjourning beyond two months, driving the plaintiff to this Court to seek direction for the disposal of I.A. However over-burdened the District Munsif, the application is only for appointment of Commissioner to take the document to an expert. Even if the same is allowed, it will take time to get a report from the expert. In such circumstances, the learned District Munsif, Nannilam, is directed to dispose of I.A.No.216 of 2015 in O.S.No.14 of 2015 on or before 28.02.2017. With

this direction, the Civil Revision Petition is disposed of. No costs.

30.01.2017

Office to note:

Issue order copy on
or before 01.02.2017.

CS

Copy to

The District Munsif-cum-Judicial Magistrate, Nannilam.

PUSHPA SATHYANARAYANA,J

CS

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