

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM

THE HON'BLE Mr.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2521 of 2017

Ponnusamy

... Petitioner

Vs.

1. N.Munusamy
2. R.Nallammal
3. A.P.Thiruvalluvan
4. A.P.Kamaraj
5. Indian Oil Corporation Ltd,
Southern Region, Indian Oil Bhavan,
139, Mahatma Gandhi Road, Chennai - 34.
6. M/s.Jasmine Enterprises,
Rep. by N.Munusamy,
S/o.Nachimuthu Gounder,
9/27, Poongodai, Kalipalayam Village,
Vettamangalam Post, Karur Taluk & District.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the disposal of I.A.No.331 of 2015 in O.S.No.102 of 2009 pending on the file of the District Munsif, Paramathi.

For Petitioner : Mr.V.K.Vijayaragavan

ORDER

This Civil Revision Petition has been filed for an early disposal of I.A.No.331 of 2015 in O.S.No.102 of 2009 pending on the file of the District Munsif, Paramathi.

2. The petitioner is the plaintiff in the above suit on the file of District Munsif, Paramathi. The plaintiff filed the suit for delivery of vacant possession, which is pending for the past eight years. The issues were framed as early as 26.06.2016 and the matter was posted for trial on 18.09.2013. On 06.12.2014, it was posted before the Lok Adalat. Since the matter was not not settled, the matter was referred back to regular Court. On 05.01.2015, the plaintiff was called absent and the suit was dismissed for default. The endorsement on 05.01.2015 is extracted hereunder:-

“Trial since 02.01.2015

Declared as holiday taken up today Trial (Today list)

Plaintiff called absent. No representation defendants called absent suit is in the list today.

Hence the suit is dismissed for default. No cots.”

3. The learned counsel for the petitioner would submit

that within 30 days, he had filed the petition to restore the suit. Till date I.A.No.331 of 2015 is pending on the file of the trial Court without there being any progress. Now, the learned counsel for the petitioner would submit that time limit may be fixed for disposal of the I.A.No.331 of 2015 in O.S.No.102 of 2009 pending on the file of the District Munsif, Paramathi.

4. Considering the facts and circumstance of the case, this Court finds that there is justification in the prayer sought for. The interim application can not be kept pending for years together. In this case, the petition to restore the suit is pending from 2015 till date without there being any order. Hence, a direction is issued to the the District Munsif, Paramathi, to dispose of I.A.No.331 of 2015 in O.S.No.102 of 2009 within a period of one month from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is disposed of.

No costs.

25.07.2017

Note: Issue order copy on 26.07.2017

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M.GOVINDARAJ, J.

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To

The District Munsif, Paramathi.



C.R.P.(PD) No.2521 of 2017

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25.07.2017