

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM

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

CRP.PD.No.3859 of 2017
and CMP.No.17998 of 2017

Selvi

..Petitioner

Vs.

Paramasivam

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India for a direction to the Hon'ble Principal Subordinate Court at Vriddhachalam to pass orders in I.A.No.317 of 2015 in O.S.No.125 of 2015.

For Petitioner : Mr.R.Arumugam

ORDER:

According to the petitioner, the respondent filed a suit in O.S.No.125 of 2015 for recovery of Rs.8,00,000/-. On receipt of summon in the above suit, the petitioner filed an application in

I.A.No.317 of 2015 under Order 7 Rule 11 (a) of the Civil Procedure Code to reject the plaint. The respondent was set ex-parte on 16.12.2016 and arguments were advanced on behalf of petitioner. Written arguments were also filed and the case was listed for orders on 11.08.2017. However, no order was passed on that day. A memo was filed by the petitioner reporting death of second defendant on 01.09.2017. Again, the matter was adjourned to 05.09.2017 for taking steps to bring on record the legal heirs of the second defendant. When the matter was taken up on 19.09.2017, without passing orders in I.A.No.317 of 2015, the trial court has taken up a petition filed under Order 38 Rule 5 of CPC filed by the respondent. Thus, the matter has been adjourned from time to time without passing any order. Therefore, the petitioner has filed the present Civil Revision Petition before this Court seeking direction to the trial court to consider the application filed under Order 7 Rule 11 (A) of the Civil Procedure Code and pass an order.

2. It is seen from the docket orders that I.A.No.317 of 2015 was posted for orders and the same has been adjourned on the request made by the respondent.

3. In view of the limited scope in the present Civil Revision

Petition, without expressing any opinion on merits, this Court is inclined to direct the trial court to dispose of the I.A.No.317 of 2015 filed under Order 7 Rule 11 (a) of the Civil Procedure Code for rejection of plaint as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this Order, if there is no other legal impediment.

4. The Civil Revision Petition is disposed of with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

23.10.2017

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
(Note: Issue order copy on 30.10.2017)
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D.KRISHNAKUMAR. J,

lok

To

The Principal Subordinate Court,
Vriddhachalam



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