

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

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

CRP.PD.No.3912 of 2017

1.Xavier Julianal Vaz

2.Virginammal Fernando

..Petitioners

Vs

1.Eugin Fernando,

2.Birigin Fernando,

3.Marcilla Belgin Fernando,

4.Benildar Nirmal fernando,

5.Francis Newton Fernando,

6.Bernard Newin fernando,

7.Francis Nixon Fernando.

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to issue a direction to the trial court to dispose of I.A.No.11999 of 2017 in O.S.No.2821 of 2013 on the file of V Additional City Civil Court at Chennai within a time frame to be fixed by this Court.

For Petitioners : Mr.A.R.L.Sundaresan,
Senior Counsel

ORDER

According to the petitioners, the first petitioner and others filed a suit for partition and separate possession in before the

V Additional City Civil Court, Chennai, which was transferred and renumbered as O.S.No.2821 of 2013. Preliminary decree was passed on 12.09.2015. Aggrieved by the same, the first petitioner herein and the second plaintiff preferred an appeal in AS.No.1263 of 2015 before this Court. The same was dismissed as settled out of the court on 08.08.2017. According to the petitioner as per clause 3 of the agreement of sale dated 10.07.2017, the parties to the proceedings shall co-operate and assist for return of the original sale deed dated 04.09.1978. Therefore, the petitioner has filed an application in I.A.No.11999 of 2017 praying to return the documents marked as Exs.A1 to A8. For one reason or other, the said application has adjourned from time to time. Therefore, the petitioner has filed the present Civil Revision Petition before this Court.

2. The learned Senior Counsel for the petitioners would submit that since there is an urgency in getting the documents, the petitioners have filed the present Civil Revision Petition before court praying to dispose of the said application within the time framed fixed by this Court.

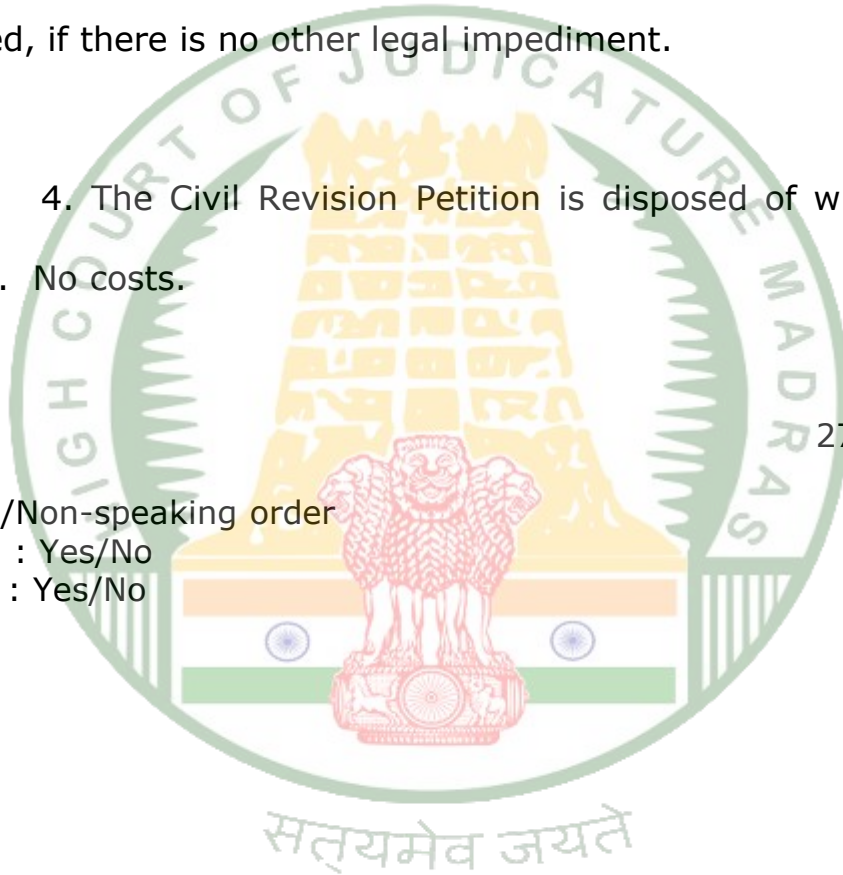
3. By considering the facts and circumstances of the

case, without going into the merits of the case, this Court is inclined to direct the V Additional City Civil Court, Chennai to dispose of the application in IA.No.11999 of 2017 in O.S.No. 2821 of 2013 in accordance with law as expeditiously as possible preferably within a period of four weeks after providing opportunities to the parties concerned, if there is no other legal impediment.

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

27.10.2017

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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D.KRISHNAKUMAR. J,

To

V Additional City Civil Court,
Chennai.



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