

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.No.201 of 2017
and
C.M.P.No.14145 of 2017

Sri.B.V.Madhusudan Maharaj ...Appellant

vs.

1. Sri.Sachidananda Brahmachari
2. Sri Parameswar Brahmachari
3. Sripat Prabhupada Das Brahmachari ... Respondents

Appeal filed under Order XXXVI Rule 9 of O.S.Rules read with under Clause 15 of the Letters Patent against the order dated 21.11.2016 made in Application Diary No.29665 of 2016 in O.A.No.928 of 2004 in C.S.No.899 of 2004.

For Appellant : Mr. B.Ravi Raja

For R1 to R3 : Mr.Yashod Vardhan, Senior Counsel
for Mr.Sundar Narayanan

JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. This is an appeal preferred against the order dated 21.11.2016 passed by the learned Single Judge in Application Diary No.29665 of 2016 in O.A.No.928 of 2004 in C.S.No.899 of 2004.

2. Mr. B.Ravi Raja, who appears for the appellant, says that, while he does not wish to press the appeal, he would request this Court to issue directions for expedition of the trial in the suit.

3. Mr. Yashod Vardhan, learned Senior Counsel, on instructions of Mr.Sundar Narayanan, says that he does not oppose direction, if any, issued by the Court for expedition of the suit.

as a party, Mr.R.Subramaniam, who appears on behalf of the said defendant, submits likewise, which is, that he would have no objection if this Court were to issue directions for expedition of the suit.

5. We are also told by the learned counsel for the parties that the suit is at the stage of admission and denial of documents and framing of issues.

6. Accordingly, the appeal is disposed of as not pressed with the following directions in place :

(i) The matter will be placed before the learned Single Judge on 08.09.2017, for framing of issues. Parties and their counsels will exchange draft issues in the meanwhile.

(ii) The learned Single Judge, thereafter, shall issue appropriate directions setting out time line for filing of proof affidavits of witnesses cited by parties to the suit.

(iii) If the parties to the suit agree, the learned Single Judge is requested to place the matter before the learned Master for recording of evidence.

(iv) The entire exercise of recording of evidence will be completed on or before 31.01.2018.

Consequently, the connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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TO
The Sub Assistant Registrar,
High Court, Madras.

+1cc to Mr.B.Ravi Raja, Advocate SR.No.61502

O.S.A.No.201 of 2017

SSI (CO)
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