

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.3951 of 2015
and MP.No.1 of 2015
& CMP.No.593 of 2016

1.Jothi Lakshmi
2.Lekha
3.Asvini

.. Petitioners

Vs

1.Purushothamman
2.Balaraman
3.Madan
4.Prasad
5.Suboshana

6.M/s.Hard Castle Restaurant Pvt. Ltd.,
1001-1002, Tower 2, 10th Floor,
India Bulls Finance Centre Senapathi,
Bapt Marg, Elphinstone Road,
Mumbai - 13.

7.M/s.Hard Castle Restaurant Pvt. Ltd.,
(McDonald)
Arcot Road, Janaki Nagar,
Valasaravakkam, Chennai - 600 087.

.. Respondents

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the order dated 08.07.2015 passed in I.A.No.153 of 2015 in O.S.No.185 of 2013 on the file of the learned III Additional District and Sessions Judge, Thiruvallore at Poonamallee.

For Petitioners : Mr.Manoj Sreevalsan
For Respondents : Mr.P.Subba Reddy

ORDER

The petitioners have filed this petition to set aside the order dated 08.07.2015 passed in I.A.No.153 of 2015 in O.S.No.185 of 2013 on the file of the learned III Additional District and Sessions Judge, Thiruvallore at Poonamallee.

2. The petitioners/plaintiffs filed a suit in O.S.No.185 of 2013 on the file of the III Additional District Court, Poonamallee at Tiruvellore, for partition and to appoint an Advocate Commissioner to divide the suit property into 4 equal shares. Pending disposal of the suit, the petitioners filed I.A.153 of 2015 to direct the respondents 6 & 7 to deposit the rent into the Court till the disposal of the suit. The learned Judge has dismissed the application on the ground that the relief sought for in the suit and the interlocutory application are one and the same. Against the said order of dismissal, the petitioners are before this Court in this Civil Revision Petition.

3. Today, when the matter is taken up for hearing, both the counsels appearing for the petitioners and respondents submitted that the suit is ready for trial, but the trial Court has not taken up the suit for hearing.

4. The learned counsel for the respondents submitted that in view of the interim order granted by this Court on 09.10.2015, the trial has not proceeded. It is also represented by the counsel on both sides that the petitioners and respondents are ready and willing to conduct the trial and hence, the petitioners seek a direction to the learned Judge to dispose of the suit expeditiously and a time frame to be fixed by this Court.

5. Heard the learned counsel appearing for the petitioners and the respondents.

6. Having regard to the submissions made by the learned counsel on either side that the suit is pending from the year 2013 and the parties are ready for trial, this Court without expressing any opinion with regard to the merits of the matter, directs the III Additional District and Sessions Judge, Thiruvallore at Poonamallee, to dispose of the suit in O.S.No.185 of 2013, on merits and in accordance with law, as expeditiously as possible, in any event, not later than 31st July 2017.

7. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

05.04.2017

ds

To:

The III Additional District and Sessions Judge,
Thiruvallore at Poonamallee

V.M.VELUMANI,J

ds

CRP (PD) No.3951 of 2015

05.04.2017
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