

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.01.2017

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3844 of 2016

1. K.Mitra

2. M.Visalakshi

.. Petitioners

Vs

1.S.Sulakshna

2.S.Baskar

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned I Additional Judge, City Civil Court, Chennai to dispose of the suit filed in O.S.No.1020 of 2011 at an early date and in accordance with law.

For Petitioner : Mr.R.Thiyagarajan

ORDER

The plaintiffs are the revision petitioners.

2. The grievance of the petitioners is that they have filed a suit in O.S.No.1020 of 2011 before the learned I Additional Judge, City Civil Court, Chennai seeking partition of the suit schedule properties

as against the respondents herein. However, the matter was adjourned from to time for one or other reason and that the proceedings could not be conducted. Hence, he has filed the above petition seeking a direction to the court below to dispose of the suit filed in O.S.No.1020 of 2011 at an early date and in accordance with law.

3. The learned counsel appearing for the petitioners would submit that the first respondent herein also have filed two separate suits and pursuant to the orders passed by this Court, the suit filed by the petitioners as well as the first respondent herein were directed to be taken up for joint trial. Hence, all the three suits were clubbed together and posted for joint trial before the learned I Additional Judge, City Civil Court, Chennai and the matters are pending before the said Court for more than five years. It is further contended by the learned counsel for the petitioners that, to the petitioners dismay, the Presiding Officer of the said Court was elevated and there was no Presiding Officer as of today. He would also submit that in the suit filed by the petitioners, after the petitioners' side evidence was closed, the matter was adjourned for cross examination of the first respondent's counsel in June 2016 and there is no progress in the matter till today. Accordingly, he would pray for early disposal of the

matter or to list the matter before some other Presiding Officer, who could take up the matter for disposal.

4. Heard the learned counsel for the petitioner and perused the records.

5. Considering the plight expressed by the petitioners and also taking into account the fact that as of now, there is no Presiding Officer in the I Additional City Civil Court, Madras, this court is inclined to transfer O.S.No.1020 of 2011 pending on its file to the III Additional City Civil Court, Madras and the learned III Additional Judge is directed to take up the matter on a day to day basis and dispose of the suit on or before 30.04.2017.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

06.01.2017

vj2

Index: Yes/No

Internet: Yes

To

1. The I Additional City Civil Court, Madras

2. The III Additional City Civil Court, Madras

PUSHPA SATHYANARAYANA,J.,
vj2

CRP PD.No.3844 of 2016

06.01.2017
<http://www.judis.nic.in>