

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4045 of 2016

R.Sekar

...Petitioner

Vs

1.R.Raja
2.R.Sathiya
3.N.Nirmala
4.J.Jayanthi

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to dispose O.S.No.806 of 2012 within a stipulated time pending before the II Additional City Civil Court, Chennai.

For Petitioner : Mr.C.Shankar

ORDER

Civil Revision Petition is filed seeking a direction to II Additional City Civil Court, Chennai, to dispose O.S.No.806 of 2012

pending on its file as expeditiously as possible on merits in accordance with law.

2.Learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.806 of 2012 for partition and separate possession of 1/5th share in the suit property. The defendants/respondents herein filed a written statement and contested the suit. He would further submit that both sides oral evidence was over, plaintiff's side argument was completed and the suit was posted for defendants' side evidence on 25.02.2015. Thereafter, the suit was adjourned on the basis of the application in I.A.No.4893 of 2015, which was filed by the first defendant, under Section 10 of CPC, to stay the proceedings of the suit till the probate O.P. is numbered. But the probate O.P. is yet to be numbered. Hence, he prays for an early disposal of the suit.

3.Considering the limited nature of the relief as sought for herein, notice to the respondents is dispensed with.

4.In view of the submissions made by the learned counsel for the petitioner and on perusal of the typed set of papers, I am

inclined to give a direction to the trial Court to dispose the suit as early as possible. Accordingly, the Presiding Officer, learned II Additional City Civil Court, Chennai, is directed to dispose I.A.No.4893 of 2015 within fifteen days from the date of receipt of a copy of this order. Thereafter, the Presiding Officer is directed to dispose the suit in O.S.No.806 of 2012 within two months from the date of disposal of I.A.No.4893 of 2015, on day to day basis, after giving fair opportunity to both the parties. Accordingly, this Civil Revision Petition is disposed of. No costs.

03.01.2017

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To

II Additional City Civil Court, Chennai.

R.MALA,J.

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