

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Civil Revision Petition (NPD) No.4100 of 2016

1.Nitin V.Patel

2.Shankarlal B.Patel

... Petitioner

..Vs..

Doss @ Shanmuga Doss (Deceased)

1.Navamani

2.Youvan

3.James Peter

4.Salomi

5.Arokiyam

... Respondents

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, praying to issue suitable direction to the Hon'ble Subordinate Judge, Ponneri for speedy disposal of the I.A.No.301 of 2016 in O.S.No.49 of 2006 on the file of the subordinate Judge, Ponneri pending against the respondents on the time bound basis.

For petitioner : Mr.J.D.Srikanth Varma

ORDER

The petitioner who is the plaintiff in O.S.No.49 of 2006, has come up with this Revision Petition for earlier disposal of I.A.No.301 of 2016 pending on the file of subordinate Court, Ponneri, stating that he has filed the suit for permanent injunction. During the pendendy, the compromise memo has been filed by playing fraud upon the Court. Immediately, the suit was dismissed on the basis of the compromise. The petitioner filed an I.A.No.302 of 2016 to recall this compromise decree, which is pending from the past nine months, and hence, he want an earlier disposal of the I.A.

2. Considered the limited prayer sought for in this C.R.P., notice to the respondent is dispensed with.

3. Considering the arguments by the learned counsel for the petitioner and also on a perusal of the typed set of papers, it is seen that the petitioner wants earlier disposal of I.A.No.301 of 2016 in O.S.No.49 of 2006 within short spell of time. Hence, it is a fit case for giving direction to the learned Sub-Judge, Ponneri to dispose of I.A.No.301 of 2016 in O.S.No.49 of 2006 within a period of three months from the date of receipt of a copy of this order, after giving fair opportunity to both sides.

4. With the above direction, this Civil Revision Petition is allowed as prayed for. No costs.

05.01.2017

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To

The subordinate Court, Ponneri

R.MALA,J.,

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