



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

CORAM :

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

C.R.P. (PD) (MD) No. 2112 of 2017

Lilly Janet Bai

... Petitioner/Respondent

vs.

Sudha

... Respondent/Appellant

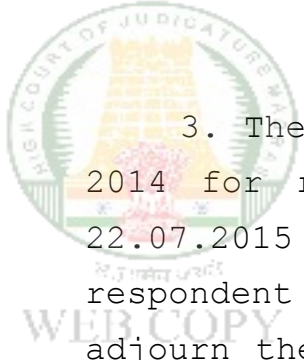
PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned District Judge, Kanyakumari District at Nagercoil to dispose the appeal in A.S.No.23 of 2009 within time limit as fixed by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

ORDER

The above Civil Revision Petition has been filed seeking a direction to the learned District Judge, Kanyakumari District at Nagercoil to dispose the appeal in A.S.No.23 of 2009, within a stipulated time as fixed by this Court.

2. The petitioner filed the above suit for recovery of money. The suit was decreed on 15.06.2007, against which the respondent filed the first appeal in A.S.No.23 of 2009. After that, the respondent did not contest the case. Thereafter, the respondent appeared before the lower Appellate Court and represented that the matter was likely to be settled and hence, prayed for posted the matter before the Lok Adalat on 19.01.2012. After that the respondent did not appear before the lower Appellate Court and drag on the proceedings and hence, the appeal was dismissed for default



3. Thereafter, the respondent filed a petition in I.A.No.116 of 2014 for restoration of the appeal and the same was allowed on 22.07.2015 and the matter was posted for argument. Thereafter the respondent continuously made a representation before the Court to adjourn the matter for argument. The suit is of the year 2006 and though the petitioner has obtained a decree in favour of him on 15.06.2007, till date he is not able to execute the decree, since the first appeal is pending. Hence, the petitioner has come before this Court by filing this Civil Revision Petition seeking early disposal of the first appeal.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. The prayer in the petition itself is with a limited prayer for speedy disposal of the first appeal in A.S.No.23 of 2009 and therefore, no notice is necessary to the respondent.

6. Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if a direction is issued to the first appellate Court. Accordingly, having regard to the submissions made by the learned Counsel for the petitioner and also taking into consideration the limited prayer sought for in this Civil Revision Petition, without expressing any opinion with regard to the merits of the case, this Court directs the learned District Judge, Kanyakumari District at Nagercoil to dispose the appeal in A.S.No.23 of 2009 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P & A)



To

The District Judge,
Kanyakumari District at Nagercoil.

+1cc to M/S.N.S.RAMAKRISHNA DASS, Advocate SR.No.88818.

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