

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:27.04.2018

CORAM

The Hon'ble Mr.Justice P.VELMURUGAN

Tr.CMA.No.1057 of 2018  
and CMP.No.8607 of 2018

1.T.D.Saravanan

2.S.Pushpavalli

.. Appellants/Plaintiffs

vs.

T.S.Balasubramanian

.. Respondent/Respondent/Defendant

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C., against the order and decretal order passed in I.A.No.346 of 2016 in O.S.No.156 of 2010 by the Subordinate Court, Tambaram, who dismissed the application to set aside the exparte order of dismissal on 31.08.2017.

For Petitioners

... M/s.T.Eswaradhas

For Respondent

... Ms.Vasudha Thiagarajan

O R D E R

The Civil Miscellaneous Appeal has been filed by the appellant against the fair order and decretal order passed in I.A.No.346 of 2016 in O.S.No.156 of 2010 dated 31.08.2017 by the Subordinate Court, Tambaram, dismissing the application to set aside the ex parte order of dismissal of the suit and to restore the above said suit.

2. The learned counsel for the appellant would submit that the appellant filed a suit for declaration in O.S.No.411 of 2007 before the Principal District and Sessions Court, Chengalpattu, and subsequently transferred to Subordinate Court, Tambaram and re-numbered as O.S.No.156 of 2010.

3. The learned counsel for the respondent prays for early disposal of the appeal suits.

4. In view of the endorsement made by both counsel the order passed by the trial court in I.A.No.346 of 2016 in O.S.No.156 of 2018 dated 31.08.2017 is setaside that the suit in O.S.No.156 of 2010 is restored. Further it is directed that the

simultaneous trial of both the Suits in O.S.No.156 of 2010 and O.S.No.276 of 2015 before the Subordinate Court, Tambaram within a time frame. Taking note of the endorsement made by both counsel, this Court directs the trial Court to conduct simultaneous trial in both cases in accordance with law and dispose of the suit on or before 31.08.2018. Both the parties are directed to Co-operate for earlier disposal of the cases.

5. With the above direction, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ub

To

1. The Subordinate Court,  
Tambaram.
2. The Record Keeper,  
VR Section, High Court,  
Madras. (2 copies)

TR.CMA.No.1057 of 2018  
and CMP.No.8607 of 2018

AK(CO)  
CS/13/06/18

सत्यमेव जयते

WEB COPY