

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1791 of 2018

C.Thangamuthu

... Petitioner

Vs.

T.Raguraman

.... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the trial Court to complete the trial in the suit in O.S.No.775 of 2015 on the file of the Principal Sub Court, Erode within the time fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

ORDER

The relief sought for in this revision petition is to direct the Principal Sub Court to complete the trial in the suit in O.S.No.775 of 2015 on the file of the Principal Sub Court, Erode within the stipulated time.

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2. The revision petitioner/plaintiff filed a suit in O.S.No.775 of 2015 on the file of the learned Principal Subordinate Judge, Erode for delivery of the

possession.

3. The main contention of the learned counsel for the petitioner is that he filed the suit, defendant remained exparte and exparte decree was passed. Subsequently, the trial Court set aside the exparte decree and posted the suit for framing issues for four occasions, once in three months without framing issues adjourned the matter periodically. Since the plaintiff is a senior citizen, aged about 80 years, has approached this Court for earlier disposal of the suit,

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

5. The suit is of the year 2015, exparte decree was passed in the year 2016. Subsequently, the same was set aside on 27.11.2017. Thereafter, the suit was listed for four occasions once in three months for framing of issues. After completing the pleadings it is the duty of the trial Court to frame the issues whereas in this suit, pleadings were completed, periodically listing the suit for framing issues and adjourned the matter from time to time for more than eight months. It is the duty of the trial Court to frame the issues and proceed further with trial.

6. Therefore, this is a fit and proper case to give a direction to the trial Court. Hence, the trial Court is directed to frame issues within a period of one week and thereafter to dispose the suit in accordance with law, within a period of four months from the date of receipt of a copy of this Order.

7. With the above direction, this Civil Revision petition is disposed of.

No costs.

18.06.2018

Index:Yes/No

Speaking order / Non speaking order

vum

To

The Principal Sub Court,
Erode.

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P.VELMURUGAN, J.,

vum



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