

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.2.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.4275 of 2017 and  
C.M.P.No.20050 of 2017

Jeevarathina Gramani ... Petitioner/Defendant

Vs.

Lakshmikanthan ... Respondent/Plaintiff

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order, dated 4.8.2017 made in I.A.No.893 of 2017 in O.S.No.60 of 2013 on the file of District Munsif, Madurantagam.

For Petitioner : Mr.R.Thanjan  
For Respondent : Mrs.Lita Srinivasan

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ORDER

According to the petitioner, the respondent herein has filed a suit in O.S.No.60 of 2013 for declaration and permanent injunction against the petitioner herein. On the side of the petitioner/defendant, petitioner was examined as D.W.1 and thereafter, the suit was posted on 27.2.2017 for cross examination of D.W.1. On 27.2.2017, the petitioner undergone the operation

of his left side chest. Thereafter, he was suffering from hypertension and the petitioner was mentally unstable. Therefore, the petitioner was not in a position to let in evidence for cross examination. Hence, he filed an application to scrap the evidence of D.W.1/petitioner herein. After hearing both sides, the court below dismissed the application. Challenging the aforesaid order, the petitioner has preferred the present Civil revision petition before this Court.

2 The learned counsel for the respondent objected for allowing the application, but fairly stated that the suit is pending for more than four years, that too, at the evidence stage. Hence, it is appropriate to pass an order to dispose of the suit within a time fixed by this Court.

3 In view of the above, the order passed by the court below is set aside and the Civil revision petition is allowed, with a direction to the learned District Munsif, Madurantagam to dispose of the suit in O.S.No.60 of 2013 as expeditiously as possible preferably within a period of five months from the date of receipt of a copy of this order.

The Civil revision petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

27.2.2018

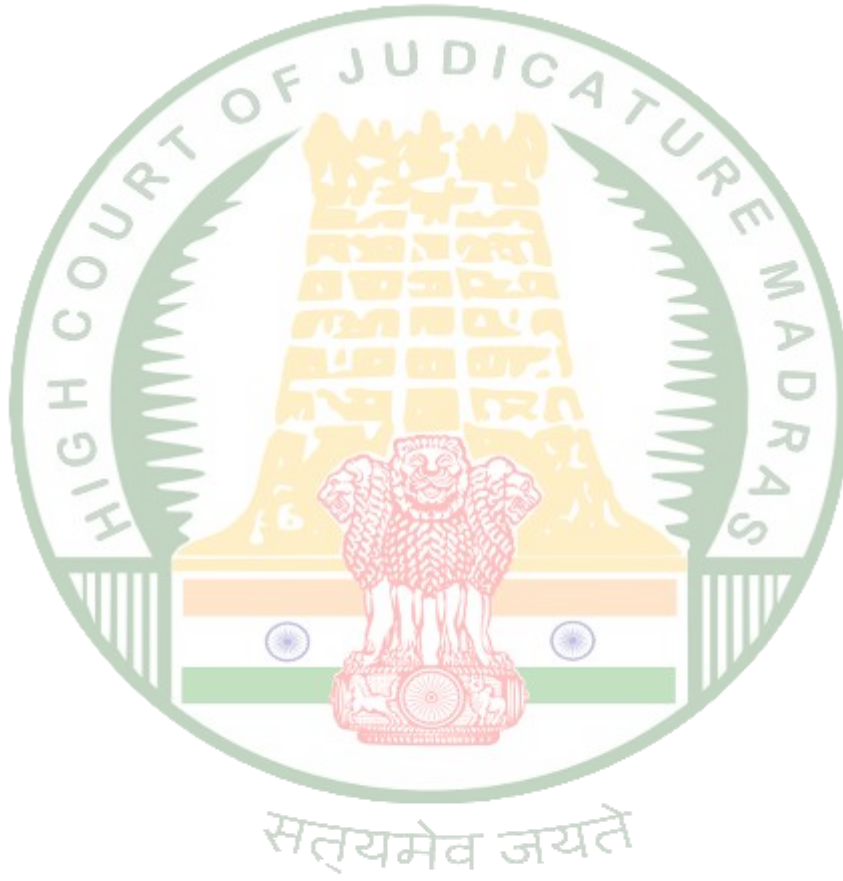
Speaking/Non Speaking order

Index: Yes/No

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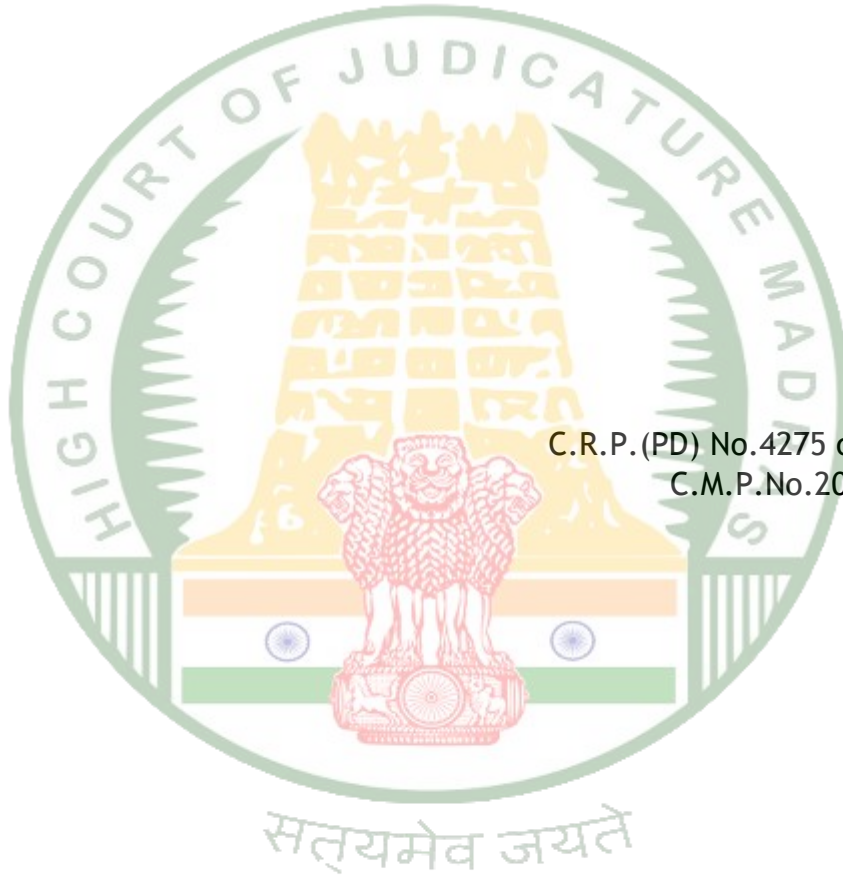
The District Munsif, Madurantagam



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D.KRISHNAKUMAR, J.

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