

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.617 of 2018

Zaibun

.. Petitioner

Vs

Mahaboob Bi

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in CMA.No.2 of 2015 dated 16.08.2017 passed by the learned Principal Subordinate Judge, Krishnagiri confirming the order and decreetal order passed in IA.No.807 of 2014 in OS.No.7 of 2012 dated 03.07.2015 passed by the learned District Munsif Judge, Krishnagiri.

For Petitioner

: Mr.S.Vinothkumar

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ORDER

According to the revision petitioner, the revision petitioner has filed an application in IA.No.807 of 2014 under Order 39 Rule 1 & 2 and Section 151 of the Civil Procedure Code to repair the suit premises

at revision petitioner's own cost subject to the result of the suit on the file of the District Munsif Court, Krishnagiri. The aforesaid application was dismissed by the court below by stating that the said application has been filed at the stage of cross-examination of PW1, with observation for speedy disposal of the suit. Challenging the aforesaid order, the revision petitioner has preferred an appeal in CMA.No.2 of 2015 before the Principal Subordinate Court, Krishnagiri, which was also dismissed by the Appellate court. Challenging the aforesaid order, the revision petitioner has preferred the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that without prejudice to the rights of the revision petitioner in the suit and without being influenced by the observations in the interim order passed by the court, appropriate direction may be passed for the speedy disposal of the suit.

3. On the aforesaid facts, at the stage of cross-examination of PW1, the instant application has been filed. The trial court has taken note of the fact and observed that the suit is to be disposed at an earliest. The same has been confirmed by the Appellate court. Hence,

this Court is not inclined to interfere with the order passed by the Appellate court and the Civil Revision Petition is liable to be dismissed.

4. At this stage, the learned counsel for the revision petitioner requests this Court to direct the court below to dispose of the above suit at an earliest. The learned counsel for the revision petitioner would submit that there is no legal impediment to dispose of the suit.

5. At the request of the learned counsel for the revision petitioner and considering that the suit is of the year 2012, this Court is inclined to direct the District Munsif Court, Krishnagiri to dispose of the above suit in OS.No.7 of 2012 on merits and in accordance with law as expeditiously as possible preferably on or before 30.07.2018.

6. The Civil Revision Petition is disposed of with above direction. No costs.

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Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

lok

D. KRISHNAKUMAR J.,

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To

1. The learned Principal Subordinate Judge,
Krishnagiri
2. The learned District Munsif Judge,
Krishnagiri.



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