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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD)(MD)No.684 of 2018

R.T.Seetharaman .. Petitioner/Petitioner/proposed 5th Defendant

Vs.

1.S.Sivakumar ..1st Respondent /1st Respondent/Plaintiff
2.Sivaprakasam
3.P.Thangamani
4.P.Rajalakshmi
5.Arunkumar ..Respondents 2 to 5 / Respondents 2 to 5/ Defendants 1 to 4

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Srivilliputtur to dispose of the impleading application in I.A.No.638 of 2016 in O.S.No.175 of 2015, within a time limit fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

ORDER

The Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Srivilliputtur to dispose of the impleading application in I.A.No.638 of 2016 in O.S.No.175 of 2015, within a stipulated time as fixed by this Court.

2. The petitioner would submit that the first respondent/ plaintiff has filed a suit in OS.No.175 of 2015 for the relief of partition and separate possession of his 1/5th share in the suit properties and to declare the settlement deed dated 12.04.2012 executed by the first defendant in favour of defendants 2 and 3 as illegal and the same is not binding the plaintiff. According to the petitioner, he purchased 4/5th share of the respondents 2 to 5 herein under a registered sale deed dated 19.07.2016 and hence, during pendency of the suit, he filed an Interlocutory application in I.A.No.638 of 2016 to implead him as fifth defendant in the suit on 03.10.2016 and the same is being adjourned by the trial Court, periodically. Now the same is posted on 07.04.2018 for filing counter affidavit of the respondents. Apprehending some

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urgency, the petitioner has come up with this civil revision petition for the aforesaid prayer.

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

5. Since the case is for a limited relief of early disposal, no notice is necessary to the respondent.

6. A perusal of the 'B' Diary extract would go to show that as stated by the learned counsel for the petitioner, the case has been adjourned for filing counter on several occasions without any valid reason. Therefore, this Court, without going into the merits of the allegation raised by the revision petitioner, is inclined to direct the Court below to dispose of the petition in I.A.No.638 of 2016 in O.S.No.175 of 2015, within a stipulated period.

7. In view of the above, the learned Subordinate Judge, Srivilliputtur, is directed to dispose of the petition in I.A.No.638 of 2016 in O.S.No.175 of 2015, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. The Civil Revision Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge
Subordinate Court,
Srivilliputtur.

+ 1 cc TO Mr.M.Thirunavukkarasu , Advocate in SR No. 57758

rm
AE/SKN RSK/SAR3/11.04.2018/2P/3C

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