



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(MD).No.762 of 2018

Annalingam ... Petitioner/Petitioner/5th Defendant

Vs.

1.Periasamy Nadar

2.The Junior Engineer (Distribution),
Tamil Nadu Electricity Board,
Thisayanvilai.

3.The Executive Engineer(Distribution),
Tamil Nadu Electricity Board,
Valliyoor.

4.The Superintending Enginner(Distribution),
Tamil Nadu Electricity Board,
Maharaja Nagar, Palayamkottai.

5.The Exeuctive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai,
Radhapuram Taluk,
Thirunelveli District.

... Respondents/Respondents/Plaintiff
and Defendants 1 to 4

(Respondents 2 to 5 are not contesting
Parities hence notice on them may dispense
with).

Prayer: This Petition is filed under Article 227 of the
Constitution of India to direct the Additional District Munsif
Court, Valliyoor, to dispose of the I.A.No. 272 of 2017 in O.S.No.
125 of 2009, pending therein within the time fixed by this Court.

For Petitioner

... Mr. H. Arumugam

ORDER

The petitioner has filed the present Civil Revision
Petition invoking Article 227 of the Constitution of India praying
for a direction to the Additional District Munsif Court, Valliyoor,
to dispose of the I.A.No. 272 of 2017 in O.S.No. 125 of 2009, within
a stipulated period of time.



2. Heard the learned counsel appearing for the petitioner. Since the case is for a limited relief of early disposal, no notice need be sent to the respondents.

3. The first respondent / plaintiff has filed a suit in O.S.No.125 of 2009 on the file of the Additional District Munsif Court, Valliyoor, for mandatory injunction. The petitioner herein was set ex parte in the said suit and an ex parte order was passed on 23.08.2016. Hence, the petitioner has filed the petition to set aside the ex parte order along with an application in I.A.No.272 of 2017 to condone the delay of 74 days in filing the petition to set aside the ex parte decree and the same has been adjourned to various dates for filing counter. Hence, the petitioner has filed the present Civil Revision Petition seeking a direction to dispose the I.A.No.272 of 2017 within a stipulated time.

4. Since there is no prejudice caused to the first respondent, who is the plaintiff in the suit and that the suit is pending from 2009 onwards, this Court is inclined to pass the following orders without issuing notice to the respondents:

a) The learned Additional District Munsif, Valliyoor, is directed to dispose of the I.A.No. 272 of 2017 in O.S.No. 125 of 2009, pending on its file, within a month from the date of receipt of a copy of this order.

b) On passing orders in the said I.A.No.272 of 2017, the learned Judge is directed to number the set aside application and dispose of the suit within a period two months thereafter. "

5. With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif Court, Valliyoor,

+1CC to Mr.H.Arumugam, Advocate, SR.No. 60050

C.R.P (MD) .No.762 of 2018
05.04.2018

trp

AM/JC/SAR 2/24.04.2018/2P/3C

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