

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 27.06.2018****CORAM:**

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**C.R.P. (PD) (MD) No.1227 of 2018**

1. N.Suresh Babu
2. G.N.Madhanagopal

... Petitioners/Petitioners/
Appellants 1 & 2

Vs.

D.Venkidasubramanian

... Respondent/Respondent/
Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India seeking for a direction to the learned Sub Judge, Palani to dispose of the I.A.No.20 of 2017 in unnumbered C.M.A. of 2017 within a stipulated time as may be fixed by this Court.

For Petitioners : Mr.T.A.Ebenezer

ORDER

The Civil Revision Petition is filed for a direction to the learned Sub Judge, Palani to dispose of the I.A.No.20 of 2017 in unnumbered C.M.A. of 2017 within a stipulated period.

2. The petitioners filed an appeal before the Sub Court, Palani along with the condone delay petition and it is pending as I.A.No.20 of 2017 in unnumbered C.M.A. for enquiry. The petitioners' remedy is lying in the C.M.A. which is pending for nearly one year. Hence, the petitioner has approached this Court by invoking the jurisdiction under Article 227 of the Constitution of India, seeking for a direction to the learned Sub Judge, Palani to dispose of the I.A.No.20 of 2017 within a particular period.

3. Heard the learned counsel for the petitioners and perused the materials placed before this Court.

4. The learned counsel appearing for the petitioners would submit that due to the pendency of C.M.A. in condone delay stage, the petitioners' property was auctioned to third party and auction is confirmed, but sale certificate yet to be issued to third party. Hence, a direction may be issued to the trial Court to dispose of the I.A.No.20 of 2017



5. Since the petitioner has sought for only a limited prayer for early disposal of I.A.No.20 of 2017, no notice is necessary to the respondent, which would cause no prejudice in any way to the respondent. It is an admitted fact that the condone delay petition is pending from 2017 onwards. Therefore, I am inclined to pass the following order:

The learned Sub Judge, Palani is directed to dispose of the application in I.A.No.20 of 2017 within a period of one month from the date of receipt of a copy of this order, on day-to-day basis without giving any adjournment to either parties. The parties are also directed to give their fullest co-operation for early disposal of the I.A.No.20 of 2017 within the time limit fixed by this Court for passing orders.

6. The Civil Revision Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Sub Judge,
Palani.
2. The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.A.Ebenezer, Advocate Sr.No.70196

AKV

VB/PN/SAR2/16.07.2018/2P/5C

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