



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1295 of 2018 and
CMP (MD) No.5522 of 2018

G. Pandiaraj : Petitioner/Appellant

-Vs-

1.T.Mariappan
2.S.Gurusamy Thondaiman : Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to expedite the proceedings in I.A.No.114 of 2017 in CMA.SR.No.... of 2017 and direct the learned Subordinate Judge, Srivilliputur, to dispose the same within a time period to be prescribed by this Court and further stall all the proceedings in E.A.No.57 of 2013 in E.P.No.29 of 2004 on the file of the learned District Munsif, Srivilliputur till the disposal of the CMA.

For Petitioner : Mr.N. Dilipkumar

O R D E R

This Civil Revision Petition has been filed to expedite the proceedings in I.A.No.114 of 2017 in CMA.SR.No.... of 2017 and direct the learned Subordinate Judge, Srivilliputur, to dispose the same within a stipulated period of time and further stall all the proceedings in E.A.No.57 of 2013 in E.P.No.29 of 2004, on the file of the learned District Munsif, Srivilliputur, till the disposal of the CMA.

2. The revision petitioner, who is the appellant in un-numbered CMA.SR.No..... of 2017, has filed an application in I.A.No. 114 of 2017 for condoning the delay of 409 days in representing the said appeal. Though the application was numbered in the year 2017 and ordered notice to the respondents and thereafter, the same has been pending for the past one year, without any progress. During the pendency of the appeal along with condone delay application, the respondents / plaintiffs proceeded for delivery. Therefore, the petitioner has filed the present Civil Revision Petition invoking Article 227 of the Constitution of India seeking a direction to the learned Subordinate Judge, Srivilliputur, to dispose the I.A.No.114 of 2017 pending on his file within a stipulated period of time and



further stall all the proceedings in E.A.No.57 of 2013 in E.P.No.29 of 2004, on the file of the learned District Munsif, Srivilliputur, till the disposal of the CMA.

3. I have heard Mr.N.Dilipkumar, learned counsel appearing for the petitioner. Even though the petitioner claimed for a larger relief, in the course of his argument restricted his relief for issuance of direction to the learned Subordinate Judge, Srivilliputur to dispose the I.A.No.114 of 2017 in CMA.SR.No.... of 2017, pending on his file within a stipulated period of time. Since the petitioner has limited his relief, no notice need be sent to the respondents.

4. Considering the limited relief sought for by the revision petitioner, without going into the merits and demerits of the allegation raised by the revision petitioner, this civil revision petition is disposed of with the following directions:

"The learned Subordinate Judge, Srivilliputur, is directed to dispose of I.A.No. 114 of 2017 in un-numbered CMA.SR.No.... 2017, pending on his file, on merits and in accordance with law, within a week from the date of receipt of a copy of this order, by giving notice to both parties and thereafter, the learned Judge is directed to proceed with Civil Miscellaneous Appeal."

5. No order as to costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Srivilliputur.

+ 1 CC TO Mr.N.DILIPKUMAR, ADVOCATE IN SR No. 70647

TRP

TE/KKR/SAR-1 : 04/07/2018 : 2P/3C

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