



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARANC.R.P.(PD)(MD)No.1299 of 2018

S.R.Trust represented by its Trustee
G.Sakthi Saravanan,
S.R.Trust, Meenakshi Mission Hospital
and Research Centre,
Lake Area, Melur Road,
Madurai 625 107.

Vs.

... Petitioner/1st Defendant

1.S.Ramesh

...1st Respondent/Plaintiff

2.Dr.N.Sethuraman

...2nd Respondent/2nd Defendant

3.Dr.Rajam Sethuraman

...3rd Respondent/3rd Defendant

4.S.Guru Sankar

...4th Respondent/4th Defendant

5.S.Ragunathan

...5th Respondent/5th Defendant

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India seeking for a direction to the Principal Sub Court, Madurai to dispose of the I.A.No.269 of 2018 in O.S.No.320 of 2011 within three weeks.

For Petitioner : Mr.K.Prabhakar

O R D E R

The Civil Revision Petition is filed for a direction to the Principal Sub Court, Madurai to dispose of the I.A.No.269 of 2018 in O.S.No.320 of 2011 within a time limit fixed by this Court.

2. The petitioner is the first defendant in O.S.No.320 of 2011 and he along with defendant Nos.3 to 5 filed an application in I.A.No.269 of 2018 before the Principal Sub Court, Madurai to strike off the plaint in O.S.No.320 of 2011. Since the application filed under Order 7 Rule 11 and 151 of C.P.C., by the defendant Nos.1, 3 to 5 is pending, it is the duty of the Court to dispose of the application, but the same is still pending from the date of filing. Therefore, 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 Principal Sub Judge, Madurai to dispose of the I.A.No.269 of 2018 in O.S.No.320 of 2011 within a period of three weeks.



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

4. Since the petitioner has sought for only a limited prayer for early disposal of the I.A.No.269 of 2018, no notice is necessary to the respondents, which would cause no prejudice in any way to the respondents and this Court is inclined to pass the following order:

The Principal Sub Court, Madurai is directed to dispose of the I.A.No.269 of 2018 within a period of three weeks from the date of receipt of a copy of this order, on day-to-day basis, by giving opportunity to both the parties. The parties are also directed to give their fullest co-operation for early disposal of the application within the time limit fixed by this Court.

5. 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 Principal Sub Judge,
Madurai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+2cc to Mr.K.Prabhakar, Advocate, SR.No.70364.

C.R.P. (PD) (MD) No.1299 of 2018
28.06.2018

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RAM/SV/SAR 3/06.07.2018/2P/6C