

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **R.PONGIAPPAN**

C.R.P.NPD.No.3584 of 2009
and M.P.No.1 of 2009

Sarojini

.... Petitioner

Vs

1. Paneerselvam
2. Padmavathi
3. Kasturi
4. Govindan Nair
5. T.C.Chinnikrishnan
6. Sampath
7. Kasturi
8. Mahaboobi
9. Nallayan
10. Kandasmy
11. Vijayaraghavan
12. Rajaram
13. Arjunan
14. Indiraniammal

सत्यमेव जयते.... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the order and decree dated 21.08.2008 made in E.P.No.60 of 2006 in Suit No.1314 of 1984 on the file of the District Munsif Court, Poonamallee.

For Petitioner : Ms.R.Sripriya
For Mr.V.Lakshmi Narayanan
For Respondents
For R1 to R8 &
R11, R13 & R14 : No appearance
For R9, R10, R12: Not ready in notice.

ORDER

Challenging the order dated 21.08.2008 passed in E.P.No.60 of 2006 in Suit No.1314 of 1984 on the file of the District Munsif Court, Poonamallee, the petitioner, who is the eighth defendant in the above referred suit, filed this Civil Revision Petition.

2. Today when this petition is taken up for hearing, the learned counsel appearing for the petitioner is present and made a submission that, earlier the first respondent in this Civil Revision Petition filed a suit in O.S.No.1314 of 1984 for declaration and permanent injunction. The said suit was decreed in favour of the first respondent by a judgment and decree dated 04.10.1994.

3. In fact, the learned District Munsif, Poonamallee, at the time of granting decree in favour of the first respondent, some of the respondents/defendants were not present before the trial Court. Hence, only after passing an order of exparte, the learned District Munsif, Poonamallee, decreed the suit in favour of the first respondent and

thereafter based on the said decree dated 04.10.1994, the first respondent filed the execution petition in E.P.No.60 of 2006.

4. The learned counsel appearing for the petitioner further submitted that as of now, the exparte decree dated 04.10.1994, passed as against the petitioner and the respondents 2 to 14, was set aside by an order dated 28.02.2001 passed in I.A.No.3165 of 1996 in O.S.No.1314 of 1984 and subsequently the said suit was restored on file. The learned counsel has also produced a copy of the order dated 28.02.2001 passed in I.A.No.3165 of 1996 in O.S.No.1314 of 1984 and she has made an endorsement to that effect in the Court bundle.

5. Considering the submission and endorsement made by the learned counsel appearing for the petitioner, it is apparent that the order dated 21.08.2008 passed in E.P.No.60 of 2006 has become infructuous and hence, I am of the opinion that there is no need to pass any orders in this Civil Revision Petition.

6. Further the learned counsel appearing for the petitioner prayed this Court to issue direction to the trial Court for the early disposal of the suit.

7. Since the suit pertains to this Civil Revision Petition has been filed in the year 1984, and the same has not been disposed of finally till today, it is appropriate to issue direction to the trial Court for the early disposal of the said suit. Accordingly, the learned District Munsif, Poonamallee is directed to hear the case in O.S.No.1314 of 1984 on day to day basis and dispose of the same as early as possible preferably within a period three months from the date of the receipt of a copy of this Order.

8. With the above directions, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

16.10.2019

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

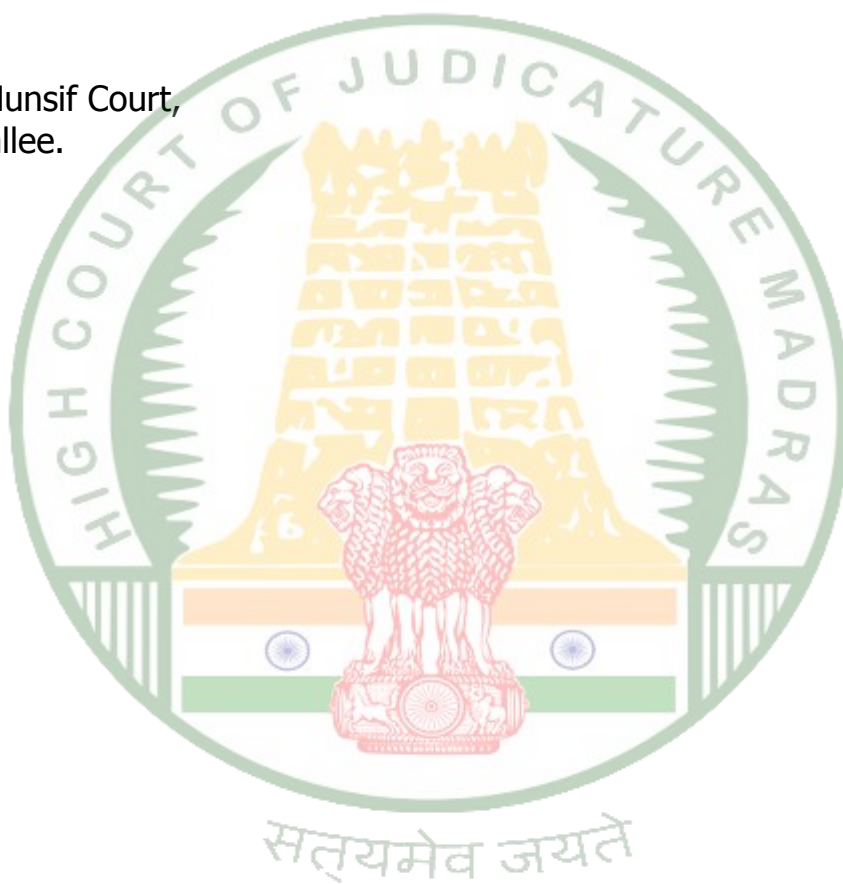
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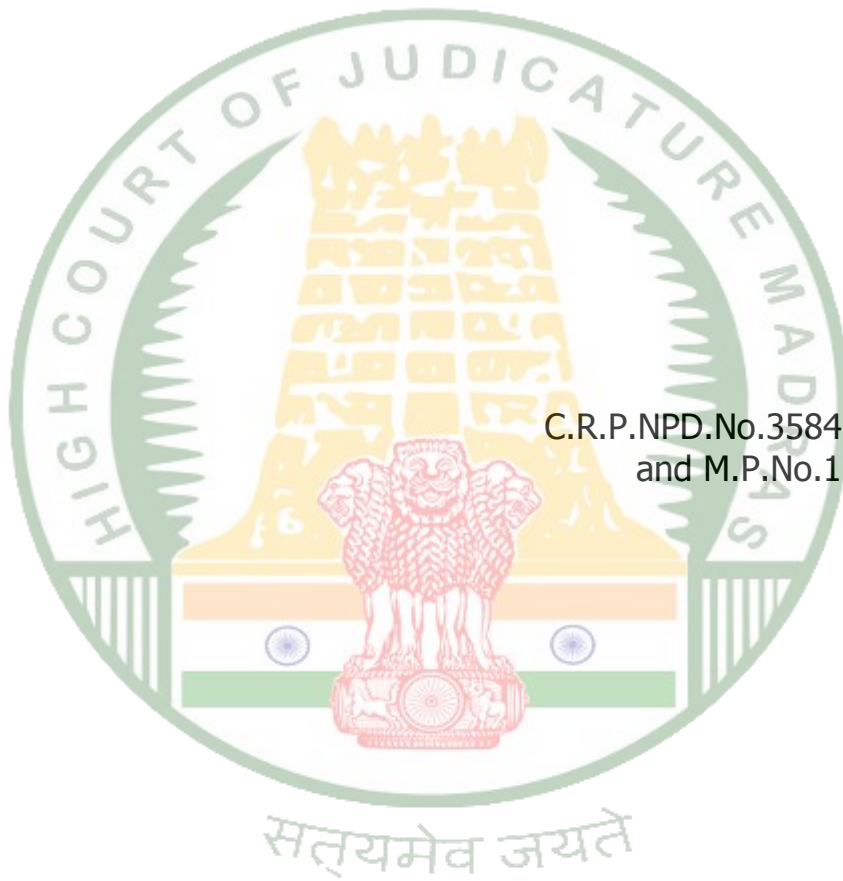
District Munsif Court,
Poonamallee.



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R.PONGIAPPAN, J.

rts



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