

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD)No.443 of 2019

Mrs.S.Suseela Devi

.. Petitioner

Vs.

1. Mr.Subramani @ K.Balasubramani

2. Mr.K.Selavaraj

3. Mrs.Deivanaiammal

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to direct the II Additional District Judge, Erode to expedite the hearing and to dispose of I.A.No.44 of 2018 in O.S.No.223 of 2016 within a time limit as stipulated by this Court.

For Petitioner : Mr.R.Krishnaprasad
for Sarvabhauman Associates

For Respondents : --

ORDER

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This Civil Revision Petition has been filed for a limited relief to direct the trial Court to dispose of the application filed under Order VII Rule 11 of Code of Code of Civil Procedure expeditiously.

2. It is the case of the petitioner that he has filed a suit for partition in the

year 2016 and the suit is pending from the year 2016. In the year 2018, the defendants in the suit have filed an application under Order VII Rule 11 of Code of Civil Procedure for rejection of the suit. Despite counter filed by the revision petitioner, the matter is getting adjourned for several hearings.

3. As the prayer itself is limited, there is no need to send notice to the respondents.

4. A perusal of the Order sheet of the trial Court, it is seen that the defendants have filed an application for rejection of the plaint in the month of January 2018. Thereafter, counter has been filed by the revision petitioner on 07.03.2018. Thereafter, the application has not been disposed of and the matter has been simply adjourned at the request of the parties. Hence, I am of the view that a direction is required to the trial Court to dispose of the above application.

5. Accordingly, this Civil Revision Petition is allowed and the trial Court is directed to dispose of the application in I.A.No.44 of 2018 in O.S.No.223 of 2016 within a period of one month from the date of receipt of a copy of this Order. No cost.

08.02.2019

vrc

To

The II Additional District Judge,

Erode.



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N.SATHISH KUMAR, J.

vrc



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