

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD).No.2701 of 2015
and
M.P.No.1 of 2015

Basheera Gani .. Petitioner

vs.

Usha .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the whole procedure followed by the IV Additional District and Sessions Court, Ponneri in O.S.No.106 of 2013 and direct the disposal of the suit strictly in accordance with the provisions of Order 37 of Civil Procedure Code.

For Petitioner : Mr.J.Deliban

For Respondent : Mr. M.Ravibharathi

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ORDER

This Civil Revision Petition has been filed against the procedure followed by the IV Additional District and Sessions Court, Ponneri in O.S.No.106 of 2013 and to direct the IV Additional District and Sessions Judge, Ponneri to dispose of the suit in accordance with the

provisions of Order 37 of C.P.C.

2. Heard, the learned counsel appearing on both sides.

3. The only grievance of the petitioner is that the procedure contemplated under Order 37 of Civil Procedure Code for conducting of summary suit proceedings has not been followed and that the trial court was not justified in getting along with the proceedings as a regular suit.

4. As rightly pointed out by the learned counsel appearing for the respondent, a copy of suit summon, which is produced before this Court has not been issued in the required format as prescribed in Appendix B, Form No. IV and that the summons issued to the respondent herein is in the form of regular suit.

5. As such, I do not find any infirmity in the proceedings of the trial Court. Hence, there is no necessity to interfere with the proceedings of the trial Court. Nevertheless it is seen that the suit is pending from the year 2013 onwards and that the trial has also commenced.

6. As such, the learned IV Additional District and Sessions Judge, Ponneri shall endeavour to dispose of the suit proceedings as expeditiously as possible preferably, within a period of six months from the date of receipt of a copy of this order.

7. With the above observations, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2019

Index:Yes/No
Internet: Yes
vrn/rsi

To

The IV Additional District and Sessions Court,
Ponneri.

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M.S.RAMESH, J.

vrn



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