

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

Review Application No.83 of 2019

C.David Claimant

.. Petitioner

Vs

1.M/s. Magnum Foundation (P) Ltd.,
Rep. by its Director,
Mr.T.S.S.Krishnan,
No.23, Mangesh Street,
T Nagar,
Chennai - 600 017.

2.Gayathri Ramasamy

..Respondents

PRAYER: Review Application filed under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure praying to allow the instant Review Application and review the order dated 07.01.2019 passed in C.R.P.(PD) No.3231 of 2017.

For Petitioner : Mr.G.V.Mohan Kumar
for M/s.Naveen Kumar Murthi

For Respondent 1 : Mr.R.Parthasarathy

ORDER

By an earlier order of this Court dated 07.01.2019 passed in C.R.P.(PD) No.3231 of 2017, the learned Vth Additional District Judge, Coimbatore was called upon to dispose of all the pending applications in E.P.No.26 of 2013 in O.S.No.705 of 2012 and the learned Ist Additional District Munsif, Coimbatore was called upon to dispose of the suit in O.S.No.630 of 2012, within the stipulated period.

2. The first respondent in the aforesaid Civil Revision Petition has now filed this review application, apprehending that, if both the proceedings in E.P.No.26 of 2013 and O.S.No.630 of 2012 are tried in different Courts, there could be conflicting findings. Hence, he has requested this Court to try both the proceedings by one single court.

3. The learned counsel appearing for the first respondent in the review application submitted that he has no objection, if all the interlocutory applications pending in E.P.No.26 of 2013 in O.S.No.705 of 2012 and the suit proceedings in O.S.No.630 of 2012 are heard and tried jointly by the learned Vth Additional District Judge, Coimbatore. To this

effect, a Joint Memo dated 04.06.2019 has been filed on behalf of the petitioner and the first respondent in this review application.

4. Recording the averments made in the Joint Memo dated 04.06.2019, the earlier order of this Court dated 07.01.2019 passed in C.R.P.(PD).No.3231 of 2017 is modified to the effect that the suit proceedings in O.S.No.630 of 2012 is directed to be transferred to the file of the learned Vth Additional District Judge, Coimbatore and to be posted along with all the pending applications in E.P.No.26 of 2013 in O.S.No.705 of 2012 pending on the file of the learned Vth Additional District Judge, Coimbatore and tried jointly.

5. The learned Vth Additional District Judge, Coimbatore shall endeavor to dispose of the suit proceedings in O.S.No.630 of 2012 as well as all the applications pending in E.P.No.26 of 2013 as expeditiously as possible.

6. At this juncture, it is brought to the notice of this Court that this Court, by an order dated 27.04.2019, had extended the period for

disposing of all the applications pending in E.P.No.26 of 2013 by two months.

7. In view of the above, the learned Vth Additional District Judge, Coimbatore shall endeavor to complete the suit proceedings within the time frame as fixed by this Court in its subsequent order dated 27.04.2019.

8. In the result, the Review Application shall stand allowed and the Joint Memo dated 04.06.2019 shall form part of this order. No costs.

06.06.2019

Index:Yes/no
Speaking Orders / Non Speaking Orders

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M.S. RAMESH, J.

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