

C.M.A.Nos.1804 and 1805 of 2018
and
CMP. Nos.57950 and 56854 of 2018

V.BHAVANI SUBBAROYAN, J.

These civil miscellaneous appeals have been filed to set aside the order and decretal orders dated 21.02.2018 in the I.A.No.1875 and 1876 of 2017 in O.S.No.308 of 2017 respectively, passed by the learned Principal District Judge, Kancheepuram District at Chengalpattu.

2. These Civil Miscellaneous Petitions were originally disposed of by this Court vide order dated 08.08.2019, with a direction to the learned Principal District Munsif, Alandur, Chennai to dispose of the suit within a period of three months from the date of receipt of a copy of that order. Now, the learned Additional District Munsif, Alandur has sent a request to the Registry seeking further time to dispose of the suits.

3. In view of the above said letter, it is seen that the suit in O.S.No.461 of 2001 was filed by P.S.Ravindran against SabaPathy Pillai and others. Pending suit, the petitioner filed an application in I.A.No.944 of 2017 with a delay of 3521 days in filing the application to set aside the abatement caused due to the death of the first defendant who died on 15.07.2007. The I.A.No.944 of 2017 was taken on file on 10.08.2017. The said I.A., is pending for fresh notice to R4, R5 and counter of R7 to R15, R17 to R27. In the said letter, the learned Principal District Munsif, Alandur has stated that the suits could not be completed within the time stipulated by this Court. Hence, the learned Principal District Munsif seeks further period of three months to dispose of the above suits.

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4. Considering the facts and circumstances of the case, the learned Principal District Munsif, Alandur is directed to take both suits on file within a period of two weeks from the date of receipt of a copy of this order and thereafter, the same shall be re-numbered within a period of one week. The parties in both the suits are directed to cooperate with the proceedings on day-to-day basis. If any one of the parties seek adjournment, the learned Judge is directed to impose cost on them. The learned Principal District Munsif, Alandur is also directed to start the trial from first week of December-2019 and all the interlocutory applications shall be completed before second week of December-2019 and the trial shall be completed within a period of three months from the date of renumbering the suits. Further, the plaintiff and the defendant and the learned counsel for both the parties in both the suits are directed to cooperate with the proceedings. However, it is made clear that the Court below can proceed with the cases in the absence of the parties and decide their issues in accordance with law.

4. With the above directions, the time is extended.

11.11.2019

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