

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(PD).Nos.1428 & 1429 of 2014

Kaliamurthy

... Petitioner
in both C.R.Ps.

Vs.

Ravi

... Respondent
in both C.R.Ps

PRAYER in C.R.P.(PD).No.1428 of 2014 : Civil Revision petition is filed under Article 227 of the Constitution of India, to allow the Revision Petition and set aside the fair order and decretal order of the learned Principal District Munsif Court, Cuddalore, allowing I.A.No.551 of 2013 in O.S.No.665 of 2006 by order dated 10.01.2014.

PRAYER in C.R.P.(PD).No.1429 of 2014 : Civil Revision petition is filed under Article 227 of the Constitution of India, to allow the Revision Petition and set aside the fair order and decretal order of the learned Principal District Munsif Court, Cuddalore, allowing I.A.No.552 of 2013 in O.S.No.17 of 2007 by order dated 10.01.2014.

For Petitioner : Mr.D.Baskar
in both C.R.Ps.

For Respondent : Mr.Kumaraguru for
M/s. Sai Bharath & Law
in both C.R.Ps.

COMMON ORDER

The present Civil Revision Petitions have been filed by the petitioner Challenging the Fair and Decretal Orders dated 10.01.2014, passed in I.A.No.551 of 2013 in O.S.665 of 2006 and I.A.No.552 of 2013 in O.S.No.17 of 2007 by the learned District Munsif, Cuddalore, allowing the application.

2.I.A.No.551 of 2013 was filed by the respondent/plaintiff under Order-9, Rule-9 of CPC to restore O.S.No.665 of 2006 while I.A.No.552 of 2013 was filed to set aside the ex-parte decree passed on 26.04.2014 in O.S.No.17 of 2007.

3.The respondent herein, the plaintiff had earlier filed in O.S.No.665 of 2006, on the file of the District Munsif Court, Cuddalore, against the petitioner for a permanent injunction.

4.The petitioner herein had filed another Suit on 08.01.2007 by O.S.No.17 of 2017 for a declaration of title over the property partly covered from O.S.No.665 of 2006 and for other relief.

5.The petitioner had also filed in C.R.P.No.1375 of 2013. By an order dated 12.04.2013, this Court had directed the learned Principal District Munsif, Cuddalore, to expedite the trial of both the suits in O.S.Nos.665 of 2006 and O.S.No.17 of 2007 and dispose of the same as expeditiously as possible.

6.The respondent was however absent on 26.04.2013. Thereafter, O.S.No.665 of 2006 was dismissed and O.S.No.17 of 2007 allowed ex-parte. To restore, the position ante, respective Interim Applications were filed which came to be allowed by the Court, subject to payment of cost of Rs.500/-. Aggrieved by the same, the present Civil Revision Petitions have been filed.

7.In view of the pendency of the present Civil Revision petitions, the final disposals of the two suits have been further delayed by another four years. One suit is of the year 2006, while the suit is of the year 2007.

C.SARAVANAN, J.

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8. There is no merit in the present Civil Revision Petitions except to get the benefit of ex-parte decree and from dismissal of the suit and to delay the proceedings further.

9. In such view of the matter, the learned District Munsif, Cuddalore is directed to take up the suits on day-to-day basis and dispose of the same before 30.04.2019 without further delay. It is made clear that both the parties shall co-operate for timely disposal of the respective suits.

10. The Civil Revision Petitions are disposed of with above directions. No costs.

07.02.2019

Index : Yes/No
Internet : Yes/No
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To
The District Munsif Court,
Cuddalore.

C.R.P.(PD).Nos.1428 & 1429 of 2014