

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.1563 of 2017

and

C.M.P.No.7319 of 2017

A.Chandrasekaran

.. Petitioner

Vs.

1. M.Jones

2. Raja Mohammed

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the learned XV Assistant Judge, City Civil Court, Chennai dated 08.03.2017, made in I.A.No.16879 of 2016 in O.S.No.9368 of 2009.

For Petitioner : Mr.S.Vasudevan

For Respondent 1 : Mr.R.Ramesh

O R D E R

The present revision has been filed challenging the order rejecting amendment to the plaint, dated 08.03.2017, by the learned XV Assistant Judge, City Civil Court, Chennai made in I.A.No.16879 of 2016 in O.S.No.9368 of 2009.

2. Earlier, the petitioner has filed the suit for permanent injunction restraining the respondents herein from evicting him from the suit premises except by due process of law. Pending suit, an application to amend the plaint has been filed seeking to set aside the sale deed dated 11.11.2009, entered into between D1 and D2 and the said claim came to be dismissed by the trial Court stating that the relief sought for by the petitioner by way of amendment is barred by limitation. Challenging the same, present revision is filed.

3. Today, when the matter is taken up, the learned counsel appearing for the first respondent submitted that pending revision, the sole petitioner Mr.A.Chandrasekaran died in the year 2017 and so far no steps have been taken to bring the LRs on record and sought dismissal of the revision as abated.

4. The learned counsel appearing for the petitioner submitted that he has taken steps to bring the LRs on record. he further submitted that on an earlier occasion, this Court,

in C.R.P.(PD).No.3142 of 2015, vide order dated 25.08.2015, ordered the Trial Court to complete the trial in O.S.No.9368 of 2009 expeditiously and dispose of the suit within a period of six months from the date of receipt of a copy of the said order.

5. I have heard the learned counsel for the petitioner and the learned counsel for the first respondent and also perused the records carefully.

6. On going through the impugned order and materials available on record, this court does not find any irregularity or illegality in the same as the trial Court has rightly dismissed the application as the relief sought for by the petitioner by way of amendment is barred by limitation. There is no merit in the revision and the same is liable to be dismissed.

7. In the result, the civil revision petition is dismissed and the order and decretal order of the Court below, impugned in this revision petition, are hereby confirmed. Considering the fact that the suit is pending since 2009, the Trial Court is directed to dispose of the said suit within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

The XV Assistant Judge,
City Civil Court, Chennai.

+1cc to Mr.R.Ramesh, Advocate, S.R.No. 143018

C.R.P.No.1563 of 2017
and C.M.P.No.7319 of 2017

KS (CO)
GN(19/03/2020)