

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 3239 of 2019

1. Anand Mootha
 2. Rajendra Kumar Mootha
 3. Ratnesh Mootha
- ... Petitioners

-Vs-

1. Ugamraj Mootha
 2. M/s. Usha International Limited,
Represented by his Senior Manager,
No. 4/59A, Mount Poonamalle Road,
Manappakkam,
Chennai - 600 089.
- ... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India directing District Munsif-cum-Judicial Magistrate, Sriperumbudur to dispose off the rejection of plaint application bearing I.A. No. 1212 of 2017 in O.S. No. 267 of 2017 on the file of District Munsif-cum-Judicial Magistrate, Sriperumbudur within a stipulated time.

For Petitioners

: Mr. M. Ashwin Kumar

For Respondents

: Ms. Nivedita S. Menon for R1
Mr. Satheesh Kumar for R2

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking for a direction to expedite the hearing of I.A. No. 1212 of 2017 in O.S. No. 267 of 2017 and decide the same within a time frame stipulated by this Court.

2. Heard Mr. M. Ashwin Kumar, learned counsel appearing for the revision petitioners and Ms. Nivedita S. Menon, learned counsel appearing for the first respondent and Mr. Satheesh Kumar, learned counsel appearing for the second respondent.

3. The first respondent herein is the first defendant in the suit before the trial Court, where the first defendant seems to have filed the present I.A. i.e., I.A. No. 1212 of 2017 under Order VII Rule 11 of Civil Procedure Code to strike off the plaint.

4. In the said I.A., as per the report sent by the learned Judge, which has already been called for by this Court, the contesting respondents i.e., plaintiffs have filed counter and it seems that, on

several hearings, the first defendant who is the petitioner in the I.A did not come forward to complete the enquiry and it has been time and again adjourned and before the present proceeding Officer it came up on 02.07.2019 and 12.09.2019 and again it is listed for hearing on 19.12.2019 only for the purpose of enquiry by the petitioner side i.e., first respondent herein and first defendant in the suit.

5. In view of the said position, since IA is unnecessarily kept pending because of the non-cooperation on the side of the first defendant, who only filed the said petition under Order VII Rule 11 of Civil Procedure Code, this Court is inclined to dispose of the revision petition with the following directions:

"(i) That the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, is hereby directed to expedite the hearing of I.A. No. 1212 of 2017 in O.S. No. 267 of 2017 on the file of the said Court and decide the same within a period of 30 days from the date of receipt of a copy of this order.

(ii) It is made clear that, the first respondent herein who is the first defendant in the suit and petitioner in I.A. No. 1212 of 2017 shall appear before the Court on the date

R. SURESH KUMAR, J.

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of hearing to be advanced in this regard and intimated to the counsel for the first respondent / first defendant, to complete his submissions and thereafter, the respondents in the I.A shall make their submissions and at any rate, I.A to be disposed within a period of 30 days as indicated above."

6. With these directions, this Civil Revision Petition is ordered. No costs.

15.10.2019

Index: Yes / No
Speaking order / Non speaking order
vji / kmm

Note: Issue order copy by 17.10.2019

To

The learned District
Munsif-cum-Judicial Magistrate,
Sriperumbudur.

C.R.P. (PD) No. 3239 of 2019