



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.M.P. (MD) No.4467 of 2019

in

CRP(MD) No.SR16175 of 2019

O.Murugesan

... Petitioner/Revision Petitioner

vs.

1.Pasupathy

2.Pragalathan

3.Prithivirajan

... Respondents/Respondents

PRAYER in C.M.P. (MD) No.4467 of 2019:- Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure, to dispense with the production of the certified copy of the 'B' diary of the case in A.S.No.15 of 2015 on the file of the Additional District and Sessions Judge, Periyakulam, Theni District.

PRAYER in CRP(MD) No.SR16175 of 2019:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Additional District and Sessions Court, Periyakulam, Theni District to dispose of the case in A.S.No.15 of 2015 on the file of the learned Additional District and Sessions Court, Periyakulam, Theni District within the time limit as stipulated by this Court.

For Petitioner : Mr.P.Gunasekaran

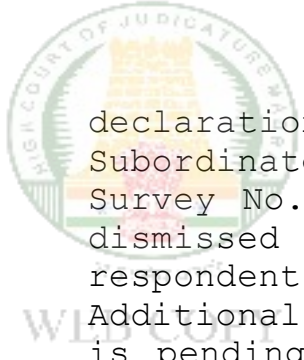
ORDER

The Civil Miscellaneous Petition has been filed to dispense with the production of the certified copy of the 'B' diary of the case in A.S.No.15 of 2015 on the file of the Additional District and Sessions Judge, Periyakulam, Theni District.

2.The Civil Revision Petition has been filed seeking direction to direct the learned Additional District and Sessions Court, Periyakulam, Theni District to dispose of the case in A.S.No.15 of 2015 within the stipulated time.

3.Heard Mr.P.Guasekaran, learned counsel appearing for the petitioner.

4.The learned counsel appearing for the petitioner contended that the respondents had filed a suit in O.S.No.52 of 2011, for



declaration and for consequential injunction, before the learned Subordinate Judge, Uthamapalayam, in respect of the property in Survey No.1063/1 and after an elaborate trial, the said suit was dismissed on 18.08.2015. Against the dismissal of the suit, the respondents have filed a First Appeal before the learned Additional District and Sessions Judge, Periyakulam and the same is pending for arguments on their side. Further, though the said appeal was transferred to the learned Additional District Court, periyakulam on 05.04.2017, so far the respondents have not taken any steps to get along with the arguments.

5.In the 'B' diary extract, it is seen that though the petitioner has filed three suits and two appeals, he was unable to furnish the details as well as the status of the same.

6.Considering the pendency of the suits and also considering the reasons that has been assigned by the petitioner for pendency of the case before the trial Court, this Court is not inclined to grant the relief as claimed by the petitioner. Hence, the Civil Miscellaneous Petition is dismissed. No costs. Consequently, the Civil Revision Petition is rejected at SR stage.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To
The Additional District and Sessions Judge,
Periyakulam,
Theni District.

NS

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