



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WEB COPY

C.R.P(MD)No.1455 of 2019

Vigneshprabhu

... Petitioner/Petitioner/
Plaintiff

Vs.

Parameshwari

... Respondent/Respondent/
Defendant

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to direct the learned Principal District Judge, Virudhunagar District at Srivilliputhur to number the unnumbered the IA.SR.NO.4657 of 2019 in O.S.No.78 of 2018, on file.

For Petitioner : Mr.D.Rameshkumar

ORDER

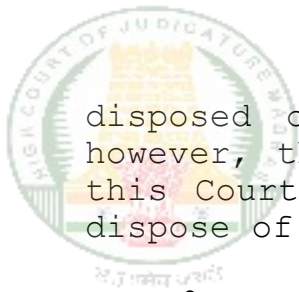
This Civil Revision Petition is filed to direct the learned Principal District Judge, Virudhunagar District at Srivilliputhur to number the unnumbered the IA.SR.NO.4657 of 2019 in O.S.No.78 of 2018, on file.

2. The revision petitioner/plaintiff has filed a suit in O.S. No.78 of 2018 for recovery of amount of Rs.40,11,800/-with interest and cost, before the learned Principal District Judge, Srivilliputhur, Virudhunagar District. During the pendency of the suit, the plaintiff has filed a interlocutory application in unnumbered IA.SR.NO.4657 of 2019 in O.S.No.78 of 2018, under 8 Rule 1 & 10 read with Section 151 of Civil Procedure Code to not to permit the respondent from filing any written statement to the main suit and also written statement if any filed in the meanwhile will also be taken off from the record and the same may returned by the learned Principal District Judge, Srivilliputhur. However, the said I.A. was returned stating that written statement already filed. Aggrieved over the same, the instant Civil Revision Petition is filed.

3. According to the learned counsel appearing for the revision petitioner, as per Order 8 Rule 1 and 10 of Civil Procedure Code, the defendant has not taken any steps to file a written statement within 120 days from the date of filing as per the amended Proviso in Order 8, Rule 1. He also relied upon the Judgment reported in 2019(2) CTC 294, SCG Contracts India Pvt. Ltd. Vs. K.S. Chamankar

other hand

8. Considering the facts and circumstances of the case and in view of the Judicial Notification and also the submission made by the learned counsel appearing for the petitioner, the suit would be



disposed of within a period 9 months from the date of filing, however, the same is pending for more than 15 months. Therefore, this Court is inclined to issue a direction to the Court below to dispose of the suit within a time frame.

9. Accordingly, while upholding the return of written statement by the Court below, the learned Principal District Judge, Srivilliputhur, is hereby directed to dispose of the suit in O.S.No. 78 of 2018, within a period of four months, from the date of receipt of a copy of this order.

10. With the above observations, the Civil Revision Petition is disposed off. No Costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

ksa

To

1.The Principal District Judge,
Srivilliputhur, Virudhunagar District.

+1CC TO MR.D.RAMESHKUMAR, Advocate Sr. No. 90936

C.R.P(MD)No.1455 of 2019

01.10.2019

SGS(CO)

TR(26.11.2019)3P 3C