

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 30.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .No.1502 of 2019**

WEB COPY

A.Prabhakar

... Petitioner/Plaintiff

Vs.

R.Vijaya

... Respondent/Defendant

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to direct the learned Subordinate Judge, Theni to dispose the suit in O.S.No.199 of 2017 pending on his file within a stipulated time.

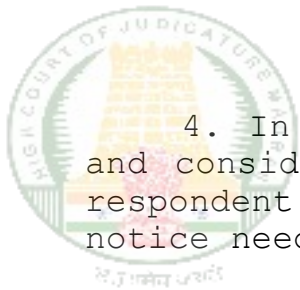
For petitioner : Mr.C.Jeganathan

ORDER

This civil revision petition has been filed by the petitioner seeking a direction to the learned Subordinate Judge, Theni to dispose of the suit in O.S.No.199 of 2017 pending on his file within a stipulated time.

2.The learned counsel for the petitioner submitted that the petitioner has filed a suit in O.S.No.199 of 2017 seeking for a relief of specific performance and the respondent/defendant to execute the sale deed in favour of the petitioner/plaintiff in respect of the suit schedule property and for other reliefs. The learned counsel further submitted that the petitioner has filed a proof affidavit and he was examined as P.W.1 and the petitioner side evidence was also closed. He further submitted that since the respondent/defendant has not filed the written statement, ex parte order was passed on 27.11.2017. In this circumstance, on 24.04.2018, the learned Judge directed the petitioner to deposit the balance sale consideration. As per direction, the petitioner has deposited the entire amount and filed a memo to that effect. The grievance of the petitioner is that only with an intention to drag on the proceedings, after lapse of eight months, the set aside application has been filed by the respondent/defendant and the same was allowed by the Court below. Thereafter, the issues were framed by the learned Judge and after framing the issues, for the past nine months, there is no progress in the suit. Hence, the petitioner has filed the present petition for speedy disposal of the suit in O.S.No.199 of 2017.

3. Heard the learned counsel for the petitioner and perused the materials available on record.



4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondent by ordering this petition, this Court is of the view that notice need not be sent to the respondent.

5. Considering the facts and circumstances of the case and also considering the fact that the suit in O.S.No.199 of 2017 is of the year 2017, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Without advertting to the merits of the case, a direction is issued to the learned Subordinate Judge, Theni to dispose of the suit in O.S.No.199 of 2017 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Subordinate Judge
Theni

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-84496[F] dated 30/08/2019)

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msa

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