



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 28.11.2019

CORAM

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD) (MD) .No.2182 of 2019

Pichi

... Petitioner

-Vs-

1.Radha Bai
2.Lalitha
3.Sudhakumari
4.Mohankumar
5.Santhoshkumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India seeking a direction to the Subordinate Judge, Kuzhithurai to dispose of the petition in I.A.No.1 of 2019 in O.S.No.79 of 2012 on the file of the Subordinate Judge, Kuzhithurai within a time frame fixed by this Court.

For Petitioner : Mr.Niranjan S.Kumar

O R D E R

The civil revision petition has been filed seeking a direction to the learned Subordinate Judge, Kuzhithurai to dispose of the petition in I.A.No.1 of 2019 in O.S.No.79 of 2012.

2. The petitioner is the fifth defendant and the first respondent is the plaintiff in O.S.No.79 of 2012. The first respondent herein has filed the above suit for partition and the same was dismissed for default on 02.11.2017. Thereafter, the first respondent has filed an application in I.A.No.1 of 2019 to restore the suit with condone delay application and the respondents in the application have no objection to restore the suit. But, till date the Court below has not restored the suit. Hence, the petitioner/5th defendant has filed the present civil revision petition.

3. The learned counsel appearing for the revision petitioner would submit that as per the Judicial Notification No.C-5 CAS/2007 Tamil Nadu Case Flow Management in Subordinate Courts/Rules 2007, original suit should be disposed of within a period of two years from the date of filing the petition. But, the suit is pending for the past seven years without any progress. Hence, the petitioner has filed the present civil revision petition.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In the present case, the suit was dismissed for default on 02.11.2017 and the first respondent/plaintiff has filed an



application in I.A.No.1 of 2019 to restore the suit, for which the respondents in the application have no objection. Such being the case, the Court below may not have any difficulties for disposing of the application in I.A.No.1 of 2019 as well as the suit in a time frame. Therefore, this Court directs the learned Subordinate Judge, Kuzhithurai to dispose of the petition in I.A.No.1 of 2019 within a period of 15 days from the date of receipt of a copy of this order and dispose of the suit in O.S.No.79 of 2012 within a period of four months thereafter.

5. With the above directions, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

akv

To

The Subordinate Judge,
Kuzhithurai

+1cc to Mr.Niranjan S.Kumar, Advocate Sr.No.102561

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