

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28..01..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.265 of 2020

Vijay R.Vakharia

... Petitioner

-Versus-

1.Ravi C.Krishnan
2.Venkitachalam Raman
3.Tmt.Kamala Raman

.... Respondents

Petition filed under Article 227 of the Constitution of India, praying to direct the learned XII Assistant Judge, City Civil Court, Chennai, to take up the suit in O.S.No.2166 of 2016 for trial and dispose of the same within the time frame to be fixed by this court.

For Petitioner : Mr.T.K.S.Gandhi

ORDER

This civil revision petition has been filed by the 1st defendant in O.S.No.2166 of 2016 on the file of the learned XII Assistant Judge, City Civil Court, Chennai, seeking a direction to the learned Judge to take up the original suit for trial and dispose of the same within the time frame to be fixed by this court.

2. The petitioner is the 1st defendant in the suit. The above said suit has been filed for (i) mandatory injunction directing the defendants to remove the iron gate installed by the 1st defendant in the common way at the entrance of the 2nd floor and thereby preventing the ingress and egress of the plaintiff and his men to the suit property and to restore the status quo ante and (ii) for permanent injunction restraining the defendants, their men, agents, servants, successors from removing the belongings of the plaintiff and his men from the suit schedule property without following due process of law. The grievance of the petitioner is that even though the suit has been filed in the year 2016 and the defendants have also filed their written statement in the year 2018 itself, till date issues have not been framed and trial has not been commenced.

Hence, this revision petition.

3. Considering the limited nature of the relief sought for in this revision petition and the other facts and circumstances of the case, this court is of the view that no notice is necessary as no prejudice would be caused to the other side if a direction is issued to the court below for early disposal of the original suit.

4. I have heard the learned counsel for the petitioner and also perused the records carefully.

5. In view of the limited nature of the relief sought for and on considering the fact, without going into the merits of the case, this court directs the learned XII Assistant Judge, City Civil Court, Chennai, to take up the trial of the suit in O.S.No.2166 of 2016 and dispose of the same within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The XII Assistant Judge,
City Civil Court, Chennai.

+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No. 6149

C.R.P.No.265 of 2020

LN(CO)
GN(27/02/2020)

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