

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (PD) No.673 of 2020 and

CMP Np.3492 of 2020

A. Samala

... Petitioner/Defendant-1

Vs.

V.Kanchana

... Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.12.2019 passed in I.A.No.1 of 2019 in O.S.No.5951 of 2013 by the XVI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Ms.Sri Vaishnavi for
Mr.C.T.Mohan

For Respondent : Mr.K.Surendar

O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 11.12.2019 passed in I.A.No.1 of 2019 in O.S.No.5951 of 2013 by the XVI Assistant Judge, City Civil Court, Chennai.

2. The petitioner herein is the first defendant in the suit in O.S.No.5951 of 2013 on the file of the XVI Assistant Judge, City Civil Court, Chennai. The respondent/plaintiff has filed the above suit for declaration that revocation of settlement dated 20.05.2011 and the settlement deed dated 15.04.2013 are null and void and for permanent injunction restraining the defendants from alienating or encumbering the suit property. Pending suit, the petitioner herein filed an application in I.A.No.1 of 2019 to condone the delay in filing the documents. The said application was dismissed by the Trial Court on 11.12.2019. Challenging the above said order, the present civil revision petition has been filed.

3. The learned counsel appearing for the petitioner submitted that, after concluding plaintiff's side evidence, the suit was posted for defendant's side evidence. At that stage, the petitioner has filed this petition to condone the delay in filing the documents. However, the Trial court has erroneously dismissed the application and hence the order of the Trial Court

is liable to be set aside.

4. The learned counsel appearing for the respondent submitted that in the affidavit, the petitioner has not stated sufficient reasons to allow the application and that the petition was filed only to drag on the proceedings. He also submitted that the above said suit was posted before the Trial Court on 31.03.2020 for defendant's side evidence and to avoid further delay in the suit proceedings, he conceded before this court that the revision petition may be allowed, by directing the petitioner to complete her evidence within a time frame.

5. In view of the submissions made by the counsel for the respondent, this court is inclined to pass the following order.

i) The order passed by the Trial court in I.A.No.1 of 2019 in O.S.No.5951 of 2013 is set aside.

ii) The Trial court is directed to proceed with the trial on 31.03.2020, by allowing the petition in I.A.No.1 of 2019 in O.S.No.5951 of 2013 to mark the documents, subject to admissibility and relevancy.

iii) Since the suit is of the year 2013, the Trial court is directed to dispose the suit within a period of four months, from the date of receipt of the copy of this order, if there is no legal impediment.

6. With the above directions, this civil revision petition is allowed. No costs. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mst

To

The XVI Assistant Judge,
City Civil Court, Chennai.

+1 cc to Mr.C.T.Mohan Advocate sr21606

CRP (PD) No.673 of 2020 and
CMP Np.3492 of 2020

aa16/04/2020

2 of 4