

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..02..2020
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.715 of 2020

1.Mrs.Meena Rathinasabapathy
2.Mr.Rathinasabapathy

... Petitioner

-Versus-

1.Mrs.Arumugha Lakshmi Nagarathinam
2.Mis.N.Thilagavathi
3.Mrs.Umayal

.... Respondents

Petition filed under Article 227 of the Constitution of India, praying for a direction to the learned XVIII Assistant Judge, City Civil Court, Chennai, for early disposal of the suit in O.S.No.6626 of 2014, preferably within a time frame to be fixed by this court.

For Petitioner : Mr.R.Vasudevan

ORDER

This civil revision petition has been filed seeking a direction to the learned XVIII Assistant Judge, City Civil Court, Chennai, for early disposal of the suit in O.S.No.6626 of 2014.

2. The petitioner is the 1st defendant in the suit in O.S.No.6626 of 2020 on the file of the learned XVIII Assistant Judge, City Civil Court, Chennai. The above said suit was filed by the respondents for a decree of declaration that the suit C-schedule property is a common area meant for common usage and the plaintiffs have right to use the same for ingress and egress to the suit A-schedule property and for a consequential relief of permanent injunction restraining the defendants from interfering with the plaintiff's enjoyment of the C-schedule property as a common area and use for ingress and egress to A-schedule property; mandatory injunction directing the defendants to remove the constructions material lying on the C-schedule property, permanent injunction restraining the defendants from interfering with the privacy of the plaintiffs either by installing CCTV cameras focused towards the plaintiffs A-schedule property by using derogatory and defamatory language

against the plaintiffs or otherwise; mandatory injunction directing the defendants to remove all the CCTV cameras installed in the defendants B-schedule property. According to the petitioner though the suit has been filed in the year 2014, there is no significant progress in trial of the suit despite a specific direction issued by this court on 17.08.2016 in C.R.P. (PD) No.2437 of 2016 and the suit is being adjourned periodically.

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 cause 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 facts and circumstances, more particularly, when there has already been a direction for expeditious disposal, without going into the merits of the case, this court is inclined to direct the learned Judge for early disposal. Accordingly, the learned XVIII Assistant Judge, City Civil Court, Chennai, to ensure that the suit in O.S.No.153 of 2017 is taken up for trial at the earliest and dispose of the same within a period of six months from the date of receipt of a copy of this order. This civil revision petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

kmk

To

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

+1cc to Mr.R.Vasudevan, Advocate, S.R.No. 14317

C.R.P.No.715 of 2020

GP (CO)

GN(26/02/2020)