

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
Civil Revision Petition (PD) No.4832 of 2013

M/s.Airtel Cell Phone Agency – Chidambaram,
(M/s.Bharti Infratel Ventures Limited),
3rd Floor, No.36, Pudhu Street,
Chidambaram – 608 001.

... Petitioner

vs.

1. Kalaimani
2. Muthukumaran
3. Chinnamanickam
4. Swaminathan
5. Raghavan
6. Vanaja
7. M/s.Bharti Airtel Limited,
Registered Office at
H5/122, Meharali Road,
New Delhi.
8. M/s.Bharti Airtel Limited,
Circle Office, Oceanic Towers,
No.101, Santhome High Road,
Chennai.

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 26.07.2013 passed by the Additional District Munsif, Chidambaram in I.A.No.466 of 2012 in O.S.No.282 of 2006.

For Petitioner : Mr.S.Anil Sandeep

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ORDER

The present Civil Revision Petition is filed against the fair and decreetal order dated 26.07.2013 passed by the Additional District Munsif, Chidambaram in I.A.No.466 of 2012 in O.S.No.282 of 2006, rejecting re-issuance of the Advocate Commissioner's Warrant to ascertain the present status of the Cell Tower.

2. It is seen that, the Application has been filed after five years from the date of filing of the Report by the Advocate Commissioner. Objection on the Advocate Commissioner's Report has been filed, and that Application has been closed.

3. The Trial Court opined that, the Petitioner therein had remained silent for five years and assailing the Report and seeking re-issuance of the Commissioner's warrant could not be accepted. It was categorically held by the Trial Court that, the Petitioner therein is trying to avoid the proceedings and that the Application has been filed only at the fag end of the Suit stage, when it is posted for arguments.

4. It is very unfortunate that the Petitioner herein has successfully dragged on the proceedings for more than six years, by obtaining an order of interim stay from this Court. In view of the same, this Petition is liable to be dismissed.

5. As it is represented that, the Suit is posted for arguments, the Trial Court is expected to hear the arguments in the Suit and take a final decision in the matter within a period of **three months from the date of receipt of a copy of this order**, without adjourning the same beyond two working days at any point of time. *If the Petitioner before the Court below seeks adjournment, costs of Rs.10,000/- is deemed to have been imposed on the Petitioner for each and every hearing, which shall be payable to the contesting Respondents in equal proportion.*

6. **The Civil Revision Petition is dismissed with the above observation.** No costs. Consequently, connected M.P.No.1 of 2013 is closed.

05.03.2020

Index : Yes/No
Speaking Order : Yes/No

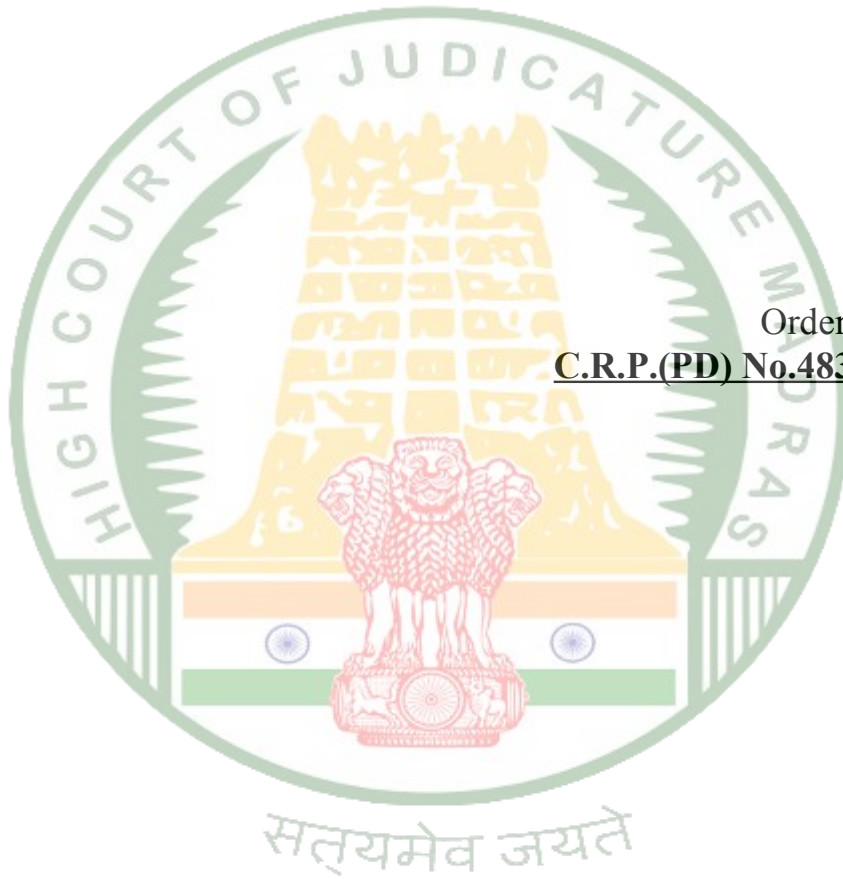
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To : The Additional District Munsif, Chidambaram.

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S.VAIDYANATHAN,J.

(aeb)



Order in
C.R.P.(PD) No.4832 of 2013

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05.03.2020