

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

**C.R.P.(PD) No.4091 of 2017 &
C.R.P.(PD) No.851 of 2018 &
C.M.P.No.19180 of 2017**

Rajasekar

.. Petitioner in C.R.P.(PD)
No.4091 of 2017

1. R.Subramanian
2. P.S.Nannndhini

..

Petitioners in C.R.P.(PD)
No.851 of 2018

Vs

1. Rajasekar
2. Parameswari
3. Vijayakumar
4. Sudha
5. E.M. Manoharan
6. S. Parameswaran
7. P.Sitheeswaran
8. K.P.Selvaraj
9. Sivagami
- 10.V.R.Sathyapriay
- 11.S.R.Sangeetha
- 12.P.Saritha
- 13.N.G.Sivanathan
- 14.S.N.Sengottian
- 15.S.Bharathi

..

sole respondent in
C.R.P.(PD) No.4091 of 2017

..Respondents in
CRP(PD)No.851 of 2018

C.R.P.(PD) No.4091 of 2017 & C.R.P.(PD) No.851 of 2018 & C.M.P.No.19180 of 2017

Prayer in CRP.PD.No.4091 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 30.08.2017 made in I.A.No.449 of 2017 in O.S.No.20 of 2008 on the file of the Sub Court, Gobichettipalayam.

Prayer in C.R.P.(PD) No.851 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India to fix a specific time frame to dispose of the suit in O.S.No.20 of 2008 on the file of the Sub Court, Gobichettipalayam.

For Petitioners in CRP.851 of 2018 : Mr.R. Bharanidharan for
Mr.D.R.Arun Kumar

For Petitioner in CRP.4091 of 2017
& 1st respondent in CRP.851/2018 : Mr.A.Muthukumar

For respondents 2 to 15 in CRP.
851/2018 : No appearance

COMMON ORDER

C.R.P.(PD).No.4091 of 2017

This Civil Revision Petition is filed against the order setting aside the exparte after a period of nine years.

2. The petitioner filed a suit for declaring the Gift Settlement Deed dated 17.3.2006 as null and void. The respondent/3rd defendant was set exparte on 29.10.2008. After a lapse of nine years, she had filed an application to set aside the exparte order and the same was allowed on

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30.08.2017, against which, the petitioner preferred this Revision on the ground that it will reopen the entire proceedings and it will consume more time.

3. The trial Court has found that by permitting the respondent to participate in the proceedings, no prejudice will be caused to the petitioner/plaintiff. I do also agree with the view of the trial Court. When a petition under Order 9, Rule 7 CPC is filed, any reason can be stated as a good reason and the person who was set exparte can be permitted to participate in the pending litigation from that stage. The apprehension of the petitioner that the respondent will be relegated to old position is unnecessary. When the trial has commenced and it is in the stage of cross examination of the plaintiff side witness, the respondent can participate only from that stage. She cannot reopen the case for filing written statement and for framing new issues. Since the respondent can participate only in the future proceedings, from the stage of the suit where it is now pending, no hardship will be caused to the petitioner. Therefore, the Civil Revision Petition need not be kept pending and accordingly the C.R.P.(PD).No.4091 of 2017 is disposed of with the above observations. No costs. Consequently, connected C.M.P.No.19180

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C.R.P.(PD).No.851 of 2018

4. The subsequent purchasers who are impleaded in the suit have filed the CRP.PD.No.851 of 2018 for speedy disposal of the suit.

5. According to them, the suit was dismissed for default on 6.6.2011. After its dismissal, the plaintiff stood in the front, conveyed the properties on behalf of all the parties in their favour. Thereafter the parties have colluded and restored the suit on 26.09.2012 and impleaded the petitioner as a party. Without conducting the suit, they are seeking for a lumpsum settlement as the value of the property had shot up. The suit is being stayed by filing repeated interlocutory applications in Civil Revision Petition and therefore, they seek early disposal of the same.

6. I consider the petitioners have valid ground in seeking the speedy disposal of the suit. Since this Court has disposed of CRP.PD.4091 of 2017, there cannot be any hurdle in disposing the suit. The parties are directed to co-operate for the speedy disposal of the suit without filing unnecessary interlocutory applications.

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7. A direction is given to the Principal Sub Judge, Gobichettipalayam to dispose of the suit in O.S.No.20 of 2008 within a period of four months from the date of receipt of a copy of this order.

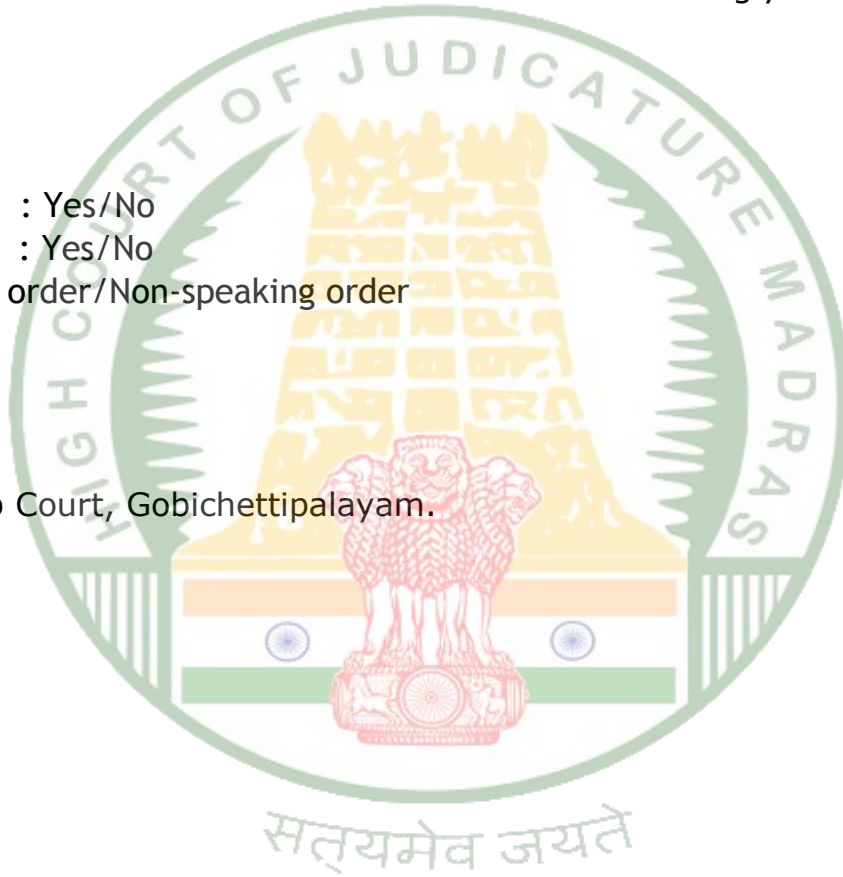
8. The Civil Revision Petition is ordered accordingly. No costs.

19.08.2019

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
smn/msr

To

The Sub Court, Gobichettipalayam.

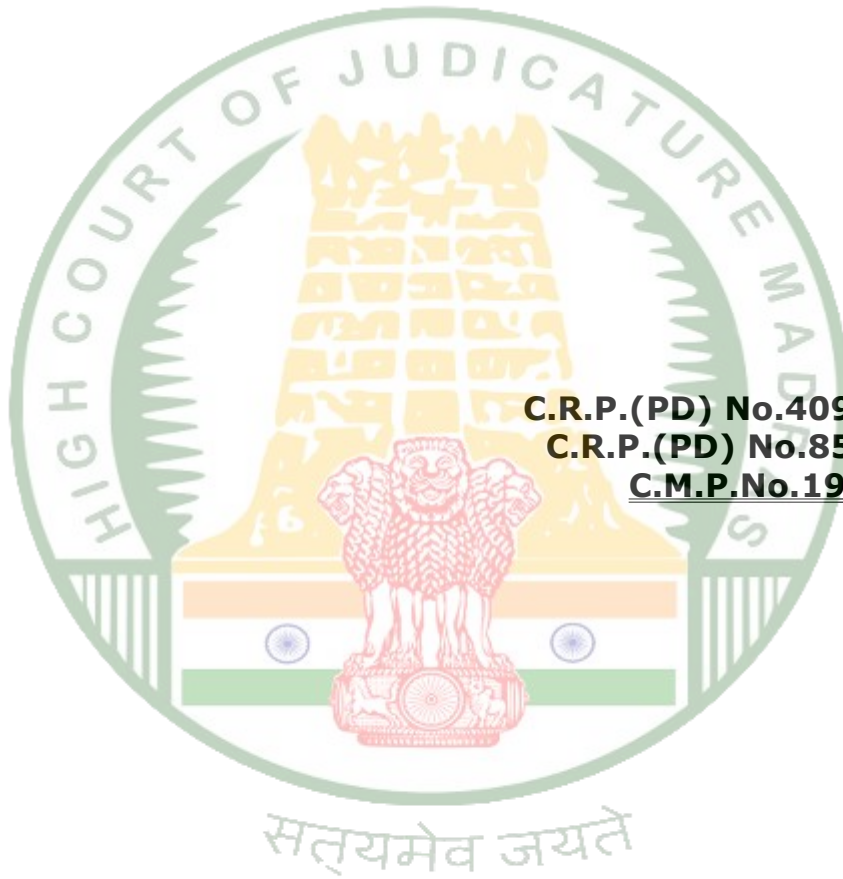


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M.GOVINDARAJ, J.

smn/msr



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