

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.PD.No. 2282 of 2020
and
C.M.P.No.14295 of 2020

Mrs.M.Indira

...Petitioner

Vs.

1. M.Guruvayammal

2. Dr.Saravanan

Rep by his Power of Attorney

Agent Dr.S.Vijayashree,

No.113, Sterling Road,

Nungambakkam,

Chennai - 600 034.

4. K.Jayakumar.

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 16.12.2020 passed in O.S.No.61 of 2014 on the file of Principal District Judge, Dharmapuri and further direct the learned Principal District Court to provide fair chance to the parties in the suit O.S.No.61 of 2014.

For petitioner : M/s.Umashankar
For Respondents : Mr.T.T.Thiyageshwaran

ORDER

Mr.T.T.Thiyageshwaran, takes notice on behalf of the respondents.

2. This Civil Revision Petition is filed under Article 227 of the constitution of India. This Civil Revision Petition is filed against the docket order dated 16.12.2020 made in O.S.No. 61 of 2014, whereby the learned 1st Additional District Judge, Dharmapuri has called upon the parties to advance and complete the arguments on or before 21.12.2020 and for Judgment on 21.12.2020.

3. The brief facts and circumstances of the case are that the suit is filed for declaration of title and for the consequential relief and also to declare certain documents, plaint documents as null and void. Both the side evidence is over. At this Juncture, I.A.No.1 of 2020 was filed by the plaintiff to reopen the plaintiff side for the purpose of examining one third

party and when the I.A. is pending, the learned counsel for the defendant in the main suit filed a petition for advance hearing of the I.A.No.2 of 2020 and the same was allowed. Both the parties submitted that the witness summon has been refused by the witness. The said witness is a third party witness. It is open for the witness either to come and give evidence or not. Now, the matter is adjourned and posted for arguments on or before today and for Judgments on today (21.12.2020)

4. Be that as it may, after hearing the respective counsel, the docket order in respect of fixing the date of argument on 21.12.2020 and the Judgment by 21.12.2020 alone stands vacated. The plaintiff is at liberty to argue the case on or before 15.01.2021 and the defendant shall complete the argument on or before 21.01.2021 and the learned Principle District Judge, Dharmapuri is hence, directed to dispose of the suit by 31.01.2021 in accordance with law.

5. With these observations, this Civil Revision Petition is disposed of and Registry is directed to furnish the copy immediately and both the

parties shall communicate the Lower Court, about this order. No costs.

Consequently, connected miscellaneous petition is closed.

21.12.2020

Index: Yes

Internet: Yes

Speaking Order/Non Speaking Order

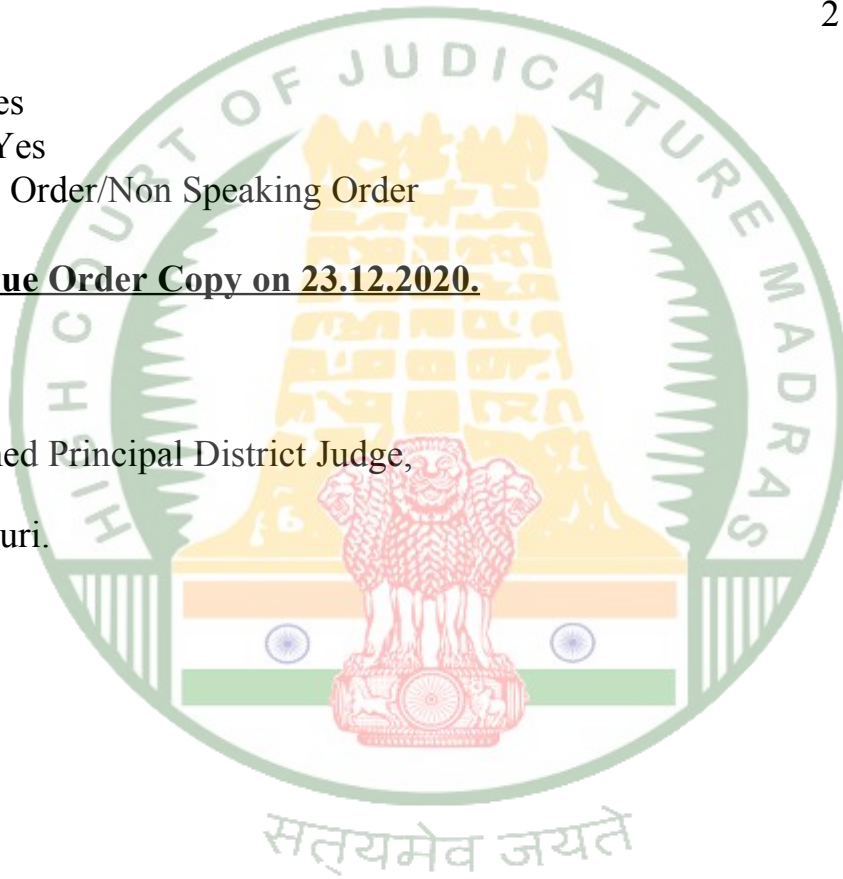
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Note: Issue Order Copy on 23.12.2020.

To

The learned Principal District Judge,

Dharmapuri.



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RMT.TEEKAA RAMAN, J.

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