



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

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C.R.P (MD) No.974 of 2020

Padmanaba Karayalar ...Petitioner/Plaintiff

Vs.

1.Karthesan

2.Siva Ram

3.Sattanathan

... Respondents/Defendants

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the I Additional Sub Court, Kanyakumari at Nagercoil to dispose of the suit in O.S.No.370 of 2018 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.L.Jeen Felix

O R D E R

The petitioner herein is the defendant in O.S.No.370 of 2018 on the file of the I Additional Sub Court, Kanyakumari at Nagercoil, in which the defendant has not even filed his written statement.

2.The learned counsel for the petitioner submits that the matter is pending for filing written statement for more than a year.

3. This Court perused the typed set of papers. From the diary of the trial Court, it is seen that the case is posted for filing written statement from 09.01.2019 to 05.10.2020. Even if the Covid-19 days were to be reckoned, which indeed has caused some impediment in filing written statement, still the regulation on holding the Court during these pandemic days has commenced only from 25.03.2020. Even prior to that, a year has lapsed and several adjournments have been given but written statement has not been filed. While the time can be enlarged reasonably in appropriate cases, the Court shall not be unmindful of the express stipulation provided under Order 8 Rule 1 CPC.

4. The trial Court is now directed to expedite the process of filing written statement and proceed with the case and dispose of the case at the very earliest. Since the written statement is not filed yet, this Court is presently not in a position to fix any outer limit for disposal of the case.



5. In conclusion, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

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Sub Assistant Registrar (CS)

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To

The I Additional Subordinate Judge, Kanyakumari
at Nagercoil.

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