

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 03.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P. (PD) No.369 of 2021

G.Marthamma

...Petitioner

Vs

Mr.V.Rajan

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Additional Subordinate Judge, Ponneri to dispose the O.S.No.242 of 2018, on its file within a stipulated time.

For Petitioner : Mrs.Rita Chandrasekar for
Mrs.V.Mohanapriya

ORDER

The limited prayer sought for in the present petition is to dispose of the suit within the stipulated time.

2. The respondent/plaintiff had filed the suit in O.S.No.242 of 2018 seeking for the following relief:

(a) For recovery of sum of Rs.9,00,000/- as damages for the factory closure period of 17.12.2017 to 16.10.2018.

(b) For future damages at the rate of Rs.3,000/- per day from the date of plaint till the date of plaintiff's possession is removed or the plaintiff is given conducive atmosphere to run the factory in the suit property.

(c) For a permanent injunction restraining the defendant, her men agent's servants and subordinates from in any manner interfering with plaintiff's peaceful possession and enjoyment of the suit property until evicted by due process of law.

(d) For the cost of the suit and for such other orders.

3. The learned counsel for the petitioner submits that the respondent, being a tenant, filed a suit for recovery of sum of Rs.9,00,000/- from the petitioner as damages for the factory closure period from 17.12.2017 to 16.10.2018 and the respondent also prayed for future damages at the rate of Rs.3,000/- per day from the date of plaint

till the date the respondent's possession is removed or the respondent is given conducive atmosphere to run the factory in the suit property. The said suit is pending from 2018, the matter is successfully dragged on by the respondent for nearly 2 years with wrong intention. Hence, the learned counsel for the petitioner prays to allow this petition by directing the trial Court to dispose of the pending suit.

4. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

5. On a perusal of the adjudication orders, it is seen that in the suit in O.S.No.242 of 2018, summons were served and the issued were also framed. Thereafter, the Court below did not proceed further in this case for the past one year, because, the entire nation has been facing the difficult situation of lock down. Since the suit is of the year 2018, this Court is inclined to direct the Court below to consider the suit proceedings.

6. Hence, there shall be a direction to the learned Additional Subordinate Judge,Ponneri, to dispose of the suit in O.S.No.242 of 2018, within a period of seven months, from the date on which the order copy is made ready.

7. Accordingly, the Civil Revision Petition stands disposed of. No costs.

03.03.2021

Index: Yes/No
Speaking order/Non-Speaking Order
sbn

To

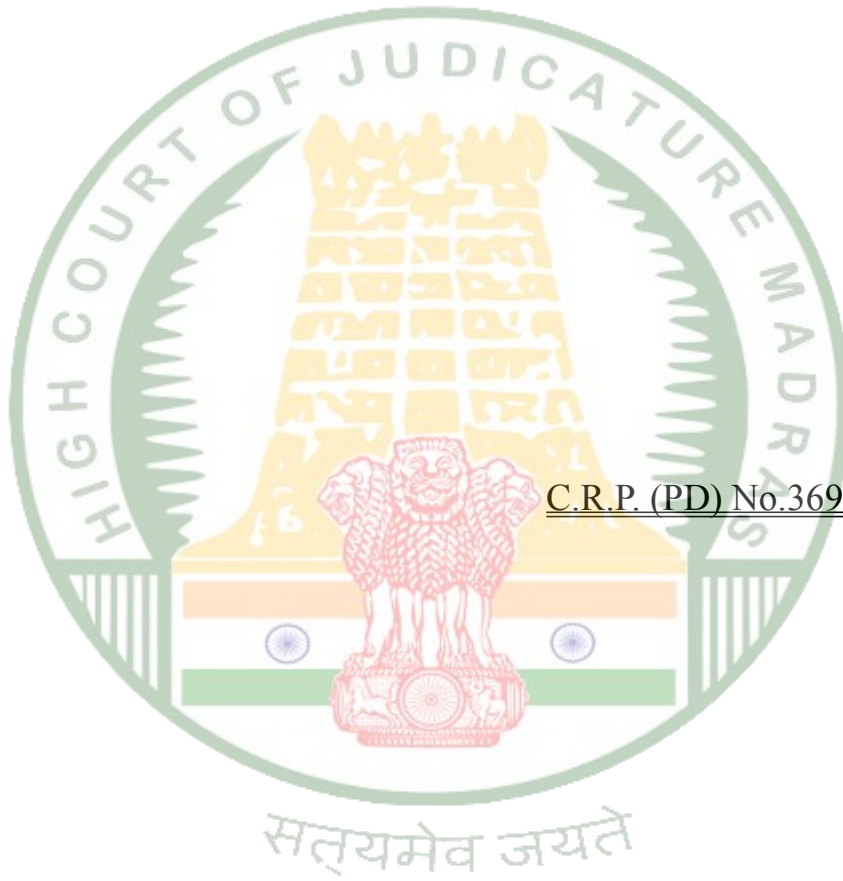
The Additional Subordinate Court,
Ponneri.



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V.BHAVANI SUBBAROYAN, J.

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