

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD)No.674 of 2021

Dharani Ammal

...Petitioner

Vs

1. Ethirajan
2. Rajalakshmi
3. Yasodha Amma
4. Rukmangatham
5. Yogeeswaran

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge to dispose of I.A.No.70 of 2016 in A.S.SR.No.1947 of 2016 on the file of Subordinate Judge, Chengalpattu within a time frame.

For Petitioner : Mr.J.Jeyan
for Mr.D.Ravichander

O R D E R

The prayer sought for in the present revision petition is to direct the learned Subordinate Judge, Chengalpattu to dispose of I.A.No.70 of 2016 in A.S.SR.No.1947 of 2016 within a stipulated time.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner herein had filed a suit in O.S.No.203 of 1986, which was decreed in her favour way back in the year 2015. The learned counsel submitted that the first respondent herein, only with an intention to drag on the proceedings and to prevent the petitioner from enjoying the decree, filed the appeal in A.S.SR.No.1947 of 2016. Further, it is submitted that the application in I.A.No.70 of 2016 was filed to condone the delay in filing the above appeal, which was adjourned by the Trial Court on many hearings even though counter has been filed by the petitioner herein in the said application. Hence, the learned counsel would pray this Court to issue a direction to the learned trial Judge to dispose of the said application within a time frame.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the docket orders, it is seen that the interlocutory application has been filed in the year 2016 and the matter has been repeatedly adjourned on many occasions inspite of counters being filed by the respondents herein. It is seen that there is a short delay of 15 days in filing A.S.SR.No.1947 of 2016. Hence, if a direction is given to the Court below to dispose of the interlocutory application within the time stipulated by this Court, the ends of justice could be secured.

5. Hence, there shall be a direction to the learned Subordinate Judge, Chengalpattu to dispose of I.A.No.70 of 2016 in A.S.SR.No.1947 of 2016, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the civil revision petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

To

The Subordinate Judge, Chengalpattu.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.19903

C.R.P. (PD) No.674 of 2021

PM(CO)
KM(30/04/2021)

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