

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2021
CORAM:
THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN
C.R.P.No.210 of 2021

1.A.P.Prabu
2.Deepalakshmi

.. Petitioners/Defendants

Vs.

T.Sathish Kumar

.. Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the I Additional District Munsif Court, Salem, to dispose of O.S.No.416 of 2018 on merits within time stipulated by this Court and allow this Civil Revision Petition.

For Petitioners : Mr.D.Gopinathan

ORDER

This Civil Revision Petition has been filed to direct the learned I Additional District Munsif, Salem, to dispose of O.S.No.416 of 2018 on merits within a time stipulated by this Court.

2.The learned counsel for the petitioners/defendants would submit that the suit in O.S.No.416 of 2018 has been pending for the past three years. The respondent/plaintiff after receiving advance amount, executed unregistered sale agreement dated 22.05.2015 between the 2nd petitioner/2nd defendant and the respondent/plaintiff. Subsequently, the respondent/plaintiff received entire balance sale consideration and handed over the entire original documents and executed a power of attorney in favour of the 1st petitioner/1st defendant and also handed over the possession of the suit property. After receiving the sale consideration, the respondent/plaintiff has filed a suit to declare the sale deed dated 10.11.2017 registered before the Sub Registrar, Dadagapatty, Salem in the name of the 2nd defendant as null as void and to restrain the defendants and their family members and their agent and their supporters from anyway interfering with the peaceful possession and enjoyment of the plaintiff by means of a permanent injunction in respect of the suit property and to restrain the defendants not to sell the

property to anybody by means of permanent injunction.

3.It is seen from the A-Diary Extract in O.S.No.416 of 2018 that the suit is pending from the year 2018 and the matter was posted for filing written statement on 17.09.2018. On 17.09.2018, written statement was filed and the matter was posted for framing issues on 10.10.2018. In the meanwhile, an Interlocutory Application in I.A.No.753 of 2018 was filed and on 08.03.2019, the matter was referred to Lok-Adalath. On 12.09.2019, a memo was filed stating that the matter has not settled and thereafter, the matter has been periodically adjourned for framing issues. Due to COVID-19 pandemic, the matter has not proceeded further and the time was extended for appearance of the parties.

4.In view of the above, this Court directs the learned I Additional District Munsif, Salem to dispose of the suit in O.S.No.416 of 2018 as expeditiously as possible and dispose of the Interlocutory Application if any pending. Since the issues are not framed, the learned I Additional District Munsif, Salem is directed to frame issues within a period of one month from the date of receipt of a copy of this order.

5.With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vv2
To

The I Additional District Munsif,
Salem.

+1 cc to Mr.D.Gopinathan Advocate sr9305

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