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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No. 2916 of 2021

and

C.M.P. No.16702 of 2021

P. Kasi

.. Appellant/Defendant

Vs.

K. Anbarasu

..Respondent/Plaintiff

Civil Miscellaneous Appeal filed under Order 43 Rule 1 of CPC against order and decreetal order passed by the Hon'ble Additional District Judge, Dharmapuri in I.A. No.1 of 2020 in O.S. No.42 of 2020 dated 30.11.2020.

For Appellant : Mr. M. Ravi

JUDGMENT

This appeal has been filed challenging the order dated 30.11.2020 passed by the Additional District Court, Dharmapuri in I.A. No.1 of 2020 in O.S. No.42 of 2020.

2. The appellant is the defendant in the suit and the respondent is the plaintiff. The suit was filed by the respondent for recovery of money against the appellant / defendant. During the pendency of the suit, I.A. No.1 of 2020 was filed by the plaintiff seeking for attachment of the property of the appellant / defendant.

3. By order dated 30.11.2020 in I.A. No.1 of 2020 in O.S. No.42 of 2020, the learned Additional District Judge, Dharmapuri



ordered attachment of the petition schedule property which is owned by the appellant / defendant. Aggrieved by the same, this appeal has been filed.

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4. Heard Mr.M.Ravi, learned counsel for the appellant.

5. Admittedly, the impugned order is dated 30.11.2020. We are now in October 2021 and almost a year has elapsed since the impugned order is passed. The suit is of the year 2020. No useful purpose would be served if this appeal is taken up for final disposal and decided on merits at this stage. Instead a direction can be issued to the Trial Court to dispose of the suit, within a time to be fixed by this Court, which is in the interest of both the parties to the dispute.

6. It is represented by the learned counsel for the appellant that the pleadings in the suit are complete and the written statement has also been filed by the appellant / defendant.

7. For the foregoing reasons without deciding the appeal on merits, this Court directs the Additional District Court, Dharmapuri, to dispose of the suit in O.S. No.42 of 2020, within a period of six months from the date of the receipt of a copy of this judgment.

8. In terms of the aforesaid directions, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

ab/vsi2

To

The Additional District Judge,
Dharmapuri

CMA.No.2916 of 2021
and C.M.P. No.16702 of 2021

RSI(CO)
B.VC (28/10/2021)