

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.(PD) No.1380 of 2021
and C.M.P.No.10701 of 2021

K.Kalyanasundaram

... Petitioner / Petitioner / Appellant

Vs

K.G.Padmanaba Kurup

... Respondent / Respondent / Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned VII Additional Judge, City Civil Court, Chennai to dispose of the C.M.P.No.1 of 2019 in A.S.No.129 of 2018 on 22.01.2020 within a specific period as fixed by this Court.

For Petitioner

Mr.A.Prakash

For Respondent

No appearance

ORDER

This Revision Petition has been filed to direct the learned VII Additional City Civil Court, Chennai, to dispose of CMP.No.1 of 2019 in A.S.No.129 of 2018. There is yet another First Appeal pending on the

very same Court namely, A.S.No.219 of 2018 in which also the present revision petitioner is the appellant. CMP.No.1 of 2019 had been filed in A.S.No.129 of 2018 under Order 41 Rule 27 of CPC seeking introduction of additional documents by the revision petitioner / appellant. The learned VII Additional City Civil Court, Chennai, in the notes paper on 07.11.2020 had very correctly stated that arguments in I.A.No.1 of 2019 shall be heard along with the main appeal. I do not find how a direction can be given to dispose of CMP.No.1 of 2019 independently of the First Appeal.

2.It is the grievance of the learned counsel that there is yet another Appeal in A.S.No.219 of 2018 also between the same parties and the learned counsel is of the opinion that arguments would be advanced in both the First Appeals. That is a request which has to be placed only before the learned VII Additional Judge, City Civil Court, Chennai, who if he feels fit that both the appeals should be heard together can hear them and if the learned Judge feels that independent arguments have to be advanced will hear them independently. That is a procedure to be decided by the said Court.

3.I am not inclined to give any direction as sought for to delink CMP.No.1 of 2019 to be heard independent of A.S.No.129 of 2018.

4.With the above observations, the Civil Revision Petition is dismissed, with a request to the appellant to go back to the VII Additional City Civil Court, Chennai and argue CMP.No.1 of 2019 and A.S.No.129 of 2018 and also incidentally A.S.No.219 of 2018 if it is deemed appropriate by the said Court. No further orders are required. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

22.07.2021

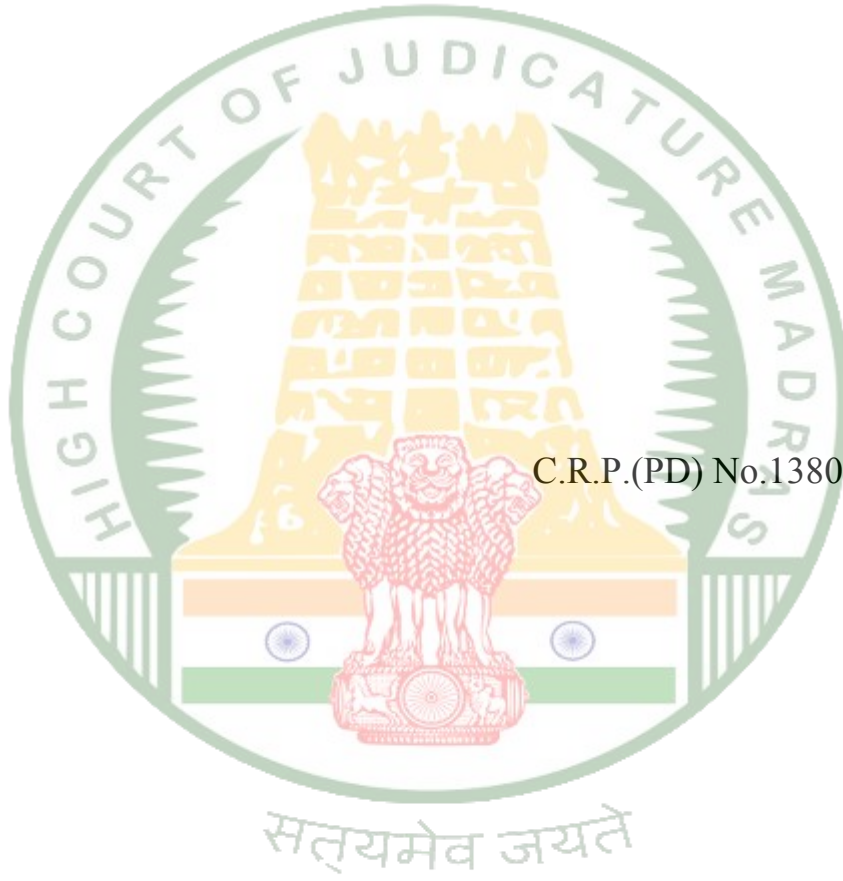
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Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No

To:-
The VII Additional City Civil Court, Chennai.

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C.V.KARTHIKEYAN,J.

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