



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

C.R.P.(PD) NO.1098 OF 2021

1.P.Ganapathi
2.G.Selvaganapathi
3.G.Periyasamy ...Petitioners/Respondents/Plaintiffs

Vs

K,Panneerselvam ...Respondent/Petitioner/Defendant

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside order and decree dated 04.12.2019 made in I.A.No.3 of 2019 in O.S.No.128 of 2019 on the file of the XIV Assistant Judge, City Civil Court, Chennai, with costs.

For Petitioner .. Mr.R.Venkata Varathan

For Respondent .. Mr.M.Muthusamy

ORDER

The Civil Revision Petition has been filed by the plaintiffs in O.S.No.128 of 2019 aggrieved by the order dated 04.12.2019 in I.A.No.3 of 2019. The said Interlocutory Application had been filed by the defendant in the suit under Order IX Rule 7 of CPC to set aside the exparte order dated 12.06.2011.

2.In the course of the order which is dated 04.12.2019, the learned XIV Assistant Judge City Civil Court, Chennai, had expressed the frustration at the delaying tactics adopted by the defendant in the suit. He had been set exparte earlier on 08.02.2019 for non-appearance and thereafter on filing of application that order was set aside. The defendant was again set exparte on 12.06.2019 for not filing of written statement. The learned Judge was however again considerate and allowed the application with payment of costs of Rs.2,000/-.

3.Questioning that particular order, the present revision petition has been filed.



4.I am informed that as on date, the written statement has been filed. The suit had been filed for permanent injunction restraining the defendant from interfering with the peaceful possession of the plaintiffs and also from interfering with construction of compound wall and grill gate at the entrance of the property, which property is at New Door No.15, Old Door No.83, Vanniar Street, Choolaimedu, Chennai, measuring an extent of 3910 sq.ft., or thereabouts.

5.It is also seen from the report forwarded by the learned XIV Assistant Judge, City Civil Court, Chennai, dated 12.07.2021 that along with the suit, I.A.No.1 of 2019 had been filed for interim injunction and status-quo order was granted on 07.01.2019 and the respondent/defendant was set exparte in the said application also on 08.02.2019 for non-appearance.

6.Let the status-quo order be extended till disposal of the suit. The parties may graze the witness box and adduce evidence. A direction is given that the suit in O.S.No.128 of 2019 may be posted in the Special List in the month of October 2021 and thereafter, trial be commenced. The trial may be conducted on a day to day basis and if that is not practically possible, it should be conducted with grant of only three working days in between any two adjournment dates. Further not more than two adjournments can be granted for the very same reason.

7.The learned counsel for the respondent / defendant stated that the defendant is physically challenged. If that be the case, on obtaining necessary application, the learned Judge may also examine appointment of an Advocate Commissioner to record the evidence of the defendant. The suit may be disposed of after following the due procedure on or before 28.02.2022. This is an extreme outer limit given for disposal of a trial which is to commence in October 2021 and I am confident that the learned Trial Judge would keep up the schedule and I am equally confident that the learned counsels for the plaintiffs and defendant would co-operate during the course of trial.

8.The order under revision is not interfered with, rather a direction is given to dispose of the suit.

9.With the above observations, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

smv



To

The XIV Assistant Judge,
City Civil Court,
Chennai.

+1cc to M/s.T.Paranthaman, Advocate Sr.No.35127

C.R.P.(PD) No.1098 of 2021

RSV(CO)
RVM(09/08/2021)