

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(PD) No. 1768 of 2021
and
C.M.P.No.12819 of 2021**

S.Rathinammal

...Petitioner

Vs.

1. K.Gurusamy

2. G.Bose

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking direction to the learned District Munsif Court, Mannargudi, to expeditiously dispose the I.A.No.84 of 2020 in O.S.No.49 of 2020.

For Petitioner : Mr.Vijendran

ORDER

This Civil Revision Petition is filed seeking direction to the learned District Munsif Court, Mannargudi, to expeditiously dispose the I.A.No.84 of 2020 in O.S.No.49 of 2020.

2. The learned counsel for the petitioner submitted that the petitioner filed a suit in O.S.No.49 of 2020 claiming the relief of recovery of possession and mandatory injunction. At the time of filing the suit, an application in I.A.No.84 of 2020 was filed for temporary injunction restraining the respondents/defendants not to build any construction over the suit property.

3. The learned counsel for the petitioner further submitted that the respondents remained *ex-parte* in I.A.No.54 of 2020. Subsequently, they filed an application to set aside the *ex-parte* decree and that was allowed. Further, the learned counsel for petitioner has filed an application in I.A.No.84 of 2020, for an interim injunction and it has been kept pending without any progress. Therefore, he filed the present petition to dispose of the I.A.No.84 of 2020. It is seen, that the suit in O.S.No.49 of 2020 was filed on 06.07.2020. The fact that neither counter in I.A.No.84 of 2020 nor written statement in O.S.No.49 of 2020 was filed shows that there is no effective control of day-to-day proceedings. As per the Civil Procedure Code, written statement ought to have been filed within 90 days, from the date of service of summons. That has not been done in this case.

4. Hence, on the genuine request made by the learned counsel for the petitioner, this court directs the learned District Munsif, Mannargudi to dispose

of the I.A.No.84 of 2020 as expeditiously as possible preferably within a period of one month from the date of receipt of a copy of this order.

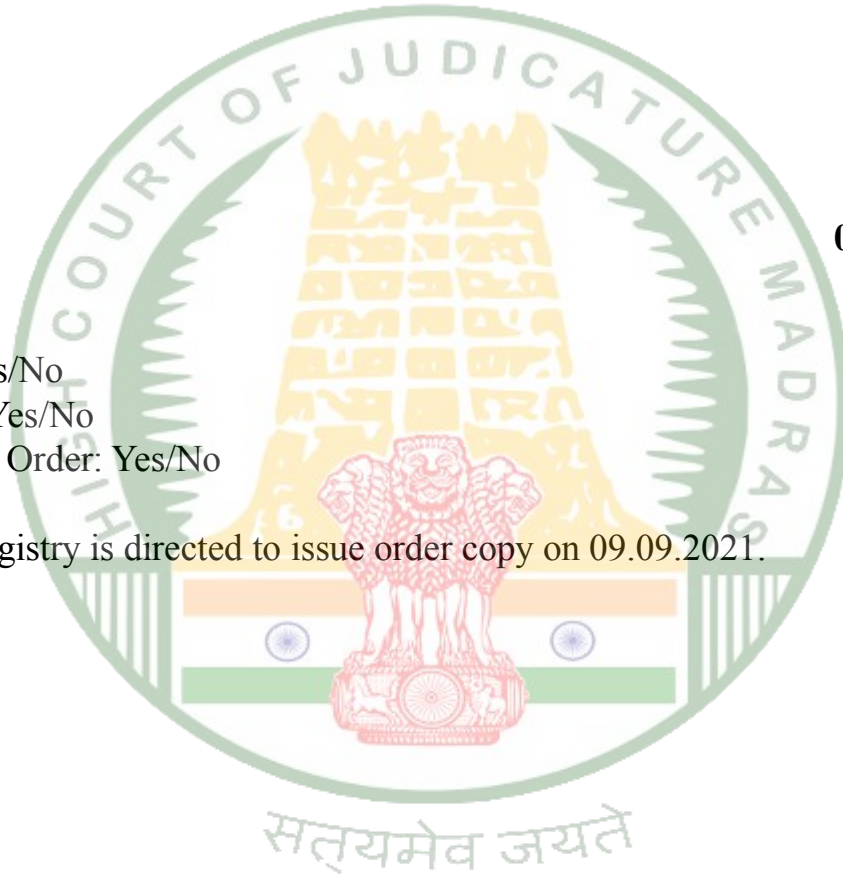
5.With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

ep/Jer

02.09.2021

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No

Note: Registry is directed to issue order copy on 09.09.2021.



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G.CHANDRASEKHARAN.J.

ep



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