

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.1615 of 2021

J.Manikandan

...

Petitioner /
Plaintiff

versus

M.Jayavel

...

Respondent /
Defendant

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruvannamalai, to dispose of the suit in O.S.No.741 of 2018, at an early date.

For Petitioner : Mr.Shriram
for M/s.PV.Law Associates

ORDER

This Civil Revision Petition is filed seeking direction to the learned Subordinate Judge, Tiruvannamalai, to dispose of the suit in O.S.No.741 of 2018, at an early date.

2. The learned counsel for the petitioner submitted that, the suit was filed by the petitioner, seeking the relief of declaration of his title in respect of the suit property and for the relief of permanent injunction, restraining the respondent, his men, agents from interfering with the peaceful possession and enjoyment of the suit property. Before the trial Court, the respondent did not appear and therefore, he was set *ex parte* on 11.03.2019.

3. Thereafter, the petitioner was examined as P.W.1 and exhibits A.1 to A.12 were marked. P.W.1 and P.W.3 examined on the side of the petitioner and the evidence was closed. The matter was posted for arguments on 17.06.2019. The written arguments was filed by the petitioner and the case was posted for judgment on 27.06.2019. On 27.06.2019, the case was suo motu re-opened stating that the petitioner has to produce the relevant documents to show his possession. It is also said in the notes order that the patta stands in the name of the wife of Mannangatti and all the legal heirs of Mannangatti through Rajammal and Nadupappa to be impleaded. Then the matter was pending for clarification. P.W.1 was recalled along

with additional proof affidavit on 18.03.2020. P.W.1 examined, exhibits A.13 and A.14 were marked, evidence was closed and posted for further arguments. Since then, the case is pending for further arguments from 27.03.2020 to 28.07.2020. On 28.07.2020, further arguments were heard and then it is pending for clarification, till now.

4. The learned counsel for the petitioner submitted that the case is unnecessarily dragged on by the trial Court, without pronouncing judgment. In support of the above narration of facts, the learned counsel for the petitioner filed the extract of B-Diary. It is not known as to why this case is pending from 07.06.2019 to till now, after the defendant was set *ex parte*. The learned trial Judge cannot keep the case pending like this, seeking clarification from the petitioner. It appears from the records that sufficient clarification had been given. Therefore, this Court directs the learned Subordinate Judge, Tiruvannamali, to dispose of the suit in O.S.No.741 of 2018, within a period of one month from the date of receipt of a copy of this order, on merits and in accordance with law.

5. This Civil Revision Petition is disposed of accordingly.

However, there is no order as to costs.

12.08.2021

Speaking order / Non-speaking order

Index : Yes / No

Note : Issue Order Copy on 17.08.2021

sri

To

The Subordinate Judge, Tiruvannamalai.



WEB COPY

G.CHANDRASEKHARAN, J.

sri



C.R.P. (PD) No.1615 of 2021

WEB COPY

13.08.2021