

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No.1684 of 2021

K.Srinivasan

... Petitioner

Vs.

1.G.Govinda Pillai
2.Jayalakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the lower Court (Principal District Munsif, Gingee) to dispose of the application in I.A. No.970 of 2017 in O.S. No.305 of 2017 on its file as early as possible, by allowing this Civil Revision Petition.

For Petitioner : Mr. T.Dhanasekaran

For Respondent : No appearance

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ORDER

This petition is filed seeking direction to the learned Principal District Munsif, Gingee, to dispose of I.A. No.970 of 2017 in O.S. No.305 of 2017.

2. Learned counsel for the petitioner submitted that the first respondent filed a suit in O.S. No.305 of 2017, seeking the relief of declaration of title and for the recovery of possession of the suit scheduled property. The petitioner filed a written statement in O.S. No.305 of 2017 and also filed I.A. No.970 of 2017, for rejecting the plaint. The reason for filing this Interlocutory Application is that he already filed a suit in O.S. No.108 of 1998 against the the respondents and got a decree in his favour. This present suit is filed for the same property by abusing process of law and therefore, he filed an Application in I.A. No.970 of 2017, for rejection of plaint. He submitted that though this application was filed in the year 2017, learned Principal District Munsif, Gingee, has not taken any steps to dispose of the application. Therefore, the petitioner preferred this civil revision petition.

3. It is seen that the suit was filed in the year 2017 and petition under Order 7 Rule 11 CPC, in I.A. No.970 of 2017, seeking rejection of plaint was also filed in the year 2017. It is not known why this petition is kept pending since 2017. Learned trial Judge ought to have disposed the petition immediately after filing of counter by the respondents. Therefore, learned Principal District Munsif, Gingee, is directed to dispose of I.A. No.970 of 2017 in O.S. No.305 of 2017, as expeditiously as possibly, preferably within a period of two months from the date of receipt of a copy of this order.

4. With the above direction this civil revision petition is disposed of. No costs.

23.08.2021

Index: Yes / No

Speaking order / Non speaking order

Note of Office: Issue order copy by 26.08.2021.

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Copy To:

The Principal District Munsif, Gingee



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G.CHANDRASEKHARAN. J.,

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