

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.2160 of 2021

R.Prakash

...

Petitioner

versus

G.Selvaraj

...

Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the learned II Additional District Munsif, Coimbatore, to dispose O.S.No.670 of 2020 within a period of three months or at the earliest time stipulated by this Court.

For Petitioner : Mr.A.Swaminathan

ORDER

This Civil Revision Petition is filed seeking direction to the learned II Additional District Munsif, Coimbatore, to dispose O.S.No.670 of 2020 within a period of three months or at the earliest time to be stipulated by this Court.

2. The learned counsel for the petitioner submitted that, the petitioner filed the suit in O.S.No.840 of 2013 against the respondent for permanent injunction restraining him from interfering with the peaceful possession and enjoyment of the suit schedule property and for mandatory injunction to remove the encroachments made by the respondent. Subsequently, the petitioner filed I.A.No.2264 of 2015 for including the Survey Number of the portion encroached and that petition was allowed. Against that order, the respondent filed C.R.P.(PD)No.3450 of 2016 and that C.R.P. was allowed, giving liberty to the petitioner to work out his remedy by filing a fresh suit in respect of the dispute Survey Number. Therefore, the suit in O.S.No.670 of 2020 is filed. It is his further submission that the respondent has not filed the written statement within a stipulated time, therefore, this petition.

3. It is seen from the submissions made by the learned counsel for the petitioner that, originally, the suit was filed in 2013 in respect of same property. Due to some technical defects, O.S.No.840 of 2013 came to be dismissed and liberty was given to the petitioner for filing a fresh suit.

4. In such circumstances, this Court directs the learned II Additional District Munsif, Coimbatore, to dispose of the suit in O.S.No.670 of 2020, as expeditiously as possible, preferably, within a period of four (4) months from the date of receipt of a copy of this order.

5. This Civil Revision Petition is disposed of accordingly. However, there is no order as to costs.

06.10.2021

Speaking order / Non-speaking order
Index : Yes / No

psa / sri

To

The II Additional District Munsif,
Coimbatore.

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G.CHANDRASEKHARAN, J.

psa / sri



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