

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.01.2021
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A.No.2247 of 2014
and
M.P.No.1 of 2014

Nallasamy

.. Appellant/7th Defendant

Vs.

1.Saraswathi
2.Venkatayammal
3.Subbayammal
4.Thulasiammal
5.Sampooranam
6.Valliammal
7.Pappathi
8.Pappathi

.. Respondents/Plaintiff/
Defendants 1 to 6 & 8

(R2 to R5 - R7 & R8 remained Ex-parte
before the Court below and hence notice
to them may be dispensed with)

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1
(u) of C.P.C., against the Judgment and Decree of the Learned
Principal District Judge, Erode in A.S.No.100 of 2013 dated
22.04.2014 in reversing the fair and final order passed by the
II Additional Sub Court, Erode in I.A.No.261 of 2013 in
O.S.No.115 of 2011 dated 12.07.2013.

For Appellant : Mr.J.Prithivi
For Mr.S.Kaithamalai Kumaran

For Respondents : Mr.A.Sundaravadhanan
[For R1]
Mr.D.Kanagasundaram
[For R6]
Ex-Parte - R2 to R5, R7 & R8

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J U D G M E N T

In view of the orders passed in Civil Revision Petition in
C.R.P.No.3425 of 2013, the matter has to be adjudicated by the
trial Court by affording opportunity to all the parties
concerned and on merits. The First Appellate Court also remanded
the matter back to the Trial Court for re-trial and for
adjudication.

2. This being the factum, no further consideration is required with reference to the grounds raised in the civil miscellaneous appeal and accordingly, the judgment and decree passed in A.S.No.100 of 2013 dated 22.04.2014 stands confirmed and consequently, the Civil Miscellaneous Appeal in C.M.A.No.2247 of 2014 stands dismissed.

3. The suit is of the year 2011 and pending for the past about 9 years. Thus, the trial Court is directed to dispose of the suit as expeditiously as possible preferably within a period of 10 months from the date of receipt of a copy of this judgment. The parties to the suit are directed to co-operate for the early disposal of the suit.

4. The parties to the appeal are restrained from seeking unnecessary adjournments. Adjournments are to be granted only on genuine grounds and by recording reasons. Adjournments on flimsy grounds are to be rejected in limine by all Courts. The parties cannot be given privilege of getting adjournments for their benefit in order to prolong and protract the issues. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Judge,
Erode.
2. The II Additional Sub Judge,
Erode.
3. The Sub-Assistant Registrar,
A.E.Section,
High Court of Madras.

+1cc to Mr.S.Kaithamalaikumaran, Advocate, SR.No.2833.

+1cc to Mr.A.Sundaravadanam, Advocate, SR.No.2234.

C.M.A.No.2247 of 2014

NMIC(CO)
CSR 17.04.2021