



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.2345 of 2021

E.Jayakarthish

... Petitioner

Vs

Allimuthu

... Respondent

PRAYER : Civil Revision Petitions filed under Article 227 of the Constitution of India to direct the District Munsif, Sankarapuram to dispose of the suit in O.S. No. 273 of 2015 within a stipulated time.

For Petitioner : Mr. G.Arul Murugan

O R D E R

This Petition is filed seeking direction to the Learned District Munsif, Sankarapuram to dispose the suit in O.S. No. 273 of 2015 within a time frame to be stipulated by this Court.

2. The Learned Counsel for the Petitioner submitted that the Petitioner filed suit in O.S. No. 273 of 2015 for the relief of declaration of title and injunction. The Respondent has taken nearly three and half years for filing written statement.

3. It is seen from the copy of the docket orders that the Respondent was set exparte for not filing written statement on 18.04.2016. P.W.1 was examined and case was posted for further evidence and for arguments. Subsequently, the exparte order was set aside and the Respondent filed written statement. Issues have been framed and the case was pending for trial from 25.09.2019. Again P.W.1 was examined on 22.12.2020 and pending for cross examination of P.W.1 for sometime and was finally completed on 22.02.2021. Then P.W.2 was examined and it is still pending for cross examination of P.W.2. The Respondent filed I.A. No. 515 of 2021 under Order I Rule 10 of the Civil Procedure Code for impleading her sister. Already a transfer petition was filed and it was dismissed. Thus, it is clear from the trail proceedings that the Respondent is deliberately protracting the proceedings. The Learned District Munsif, Sankarapuram is directed to dispose the suit in O.S.No. 273 of



2015 after deciding the I.A. No. 515 of 2021 as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

4. Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The District Munsif,
Sankarapuram.

+1cc to Mr. G.Arul Murugan, Advocate, S.R.No.55946

C.R.P. No. 2345 of 2021

KG(CO)
CT 02/12/2021