

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 08.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No.2108 of 2020
and
C.M.P.No.13298 of 2020

Mr.S.Rajkumar

...Petitioner

Vs

T.S.Dhakshinamurthy

...Respondent

PRAYER: Civil Revision Petition filed under Section 227 of Civil Procedure Code to direct the III Assistant City Civil Court, Chennai to dispose of the I.A.No.2 of 2019 in O.S.No.7137 of 2019 within the time frame.

For Petitioner : Mr.Subramanian
For Mr.D.Prabu

For Respondent : No appearance

O R D E R

The limited prayer sought for in the present civil revision petition is for a direction to the trial Court to dispose of the I.A.No.2 of 2019 in O.S.No.7137 of 2019 within a limited time frame.

2. The learned counsel for the petitioner would submit that the learned judge ought to have seen that suit for recovery of sum of Rs.4,44,480/- is wholly without basis and the documents filed along with plaint do not disclose any cause of action of the suit and as such I.A.No.2 of 2019 has not legs to stand before the Court. By keeping the Interlocutory Application pending, the respondent/plaintiff is terrorizing everyone and he is preventing the petitioner's father to exercise his right as owner of his valuable properties. Further he would submit that the Court below ought to have seen that prayer for grant of attachment before the judgment in respect of the property of the petitioner's father has caused immense pressure on him to exercise his right to enjoy the property as owner thereof. The application for attachment before judgment as against the property of the petitioner's father at Pudukottai District nothing but sheer abuse of process of law because, firstly petitioner's father is not arrayed as party to the suit and he is no way concerned with the alleged suit claim, secondly, the

respondent herein has not made out any case much less prima facie case in the above Interlocutory Application. In I.A.No.2 of 2019, the petitioner has already filed his counter as early as on 17.02.2020 and the petitioner has also filed his written statement in the main suit in 10.03.2020 and issues were also framed on 24.03.2020. Hence, the learned counsel for the petitioner prays to allow this Civil Revision Petition.

3. Heard Mr.Subramanian, learned counsel for the petitioner. There is no representation on behalf of the respondent and perused the materials available on record.

4. On a perusal of the adjudication orders, it is seen that in I.A.No.2 of 2019, counter and written statement was filed and the issues were also framed and since the I.A.No.2 of 2019 has been kept pending from the year 2019, it would be appropriate to direct the III Assistant City Civil Court, Chennai, to dispose off I.A.No.2 of 2019 in O.S.NO.7137 of 2019, within a period of one year from the date of receipt of copy of this order. The parties are directed to co-operate with the said proceedings without taking any unnecessary adjournment.

5. In view of the above direction, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbn

To

The III Assistant City Civil Court,
Chennai.

+1cc to Mr.D.Prabu, Advocate, S.R.No.6910.

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SR-II(CO)
NRA(01/03/2021)