



S.A.Nos. 1028 & 1029 of 2019

WEB CO **T.V.THAMILSELVI, J.**

Earlier, this Court, by an order dated 30.06.2021 directed the learned Principal Subordinate Judge, Kancheepuram to dispose of the matter post remand as expeditiously as possible and as its business would permit, but in any event within one year on or before 30.06.2022. Since the said case could not be disposed of within the time stipulated by this court, the court below by letter dated 09.06.2023 sought for extension of time. Hence, the matter is listed before this court today.

2. The learned Principal Subordinate Judge, Kancheepuram submitted that in pursuant to the order of this court, the case was remanded back to the court below and the notice to both parties were ordered on 10.08.2021. Furthermore, as directed by this court, the proposed party/5th responded was impleaded in the appeal, thereby notice ordered to the counsel for 5th respondent, who appeared and filed vakalat and written statement cum counter claim on 19.09.2022. Thereafter, the court below had framed additional issues on 19.10.2022 and posted for additional evidence on behalf of R1 and R2. Now, the case is posted for cross RW1 on 09.06.2023. He would also submit that now he has



assumed the charge of Principal Sub-Judge, Kancheepuram only on 04.05.2023 and after perusal of records, he came to know about the direction issued by this court and its non-compliance. Hence, he prayed to grant further time of six months to dispose the appeal.

3. While passing earlier order, time for one year was granted, but the letter received from the Principal Sub-Judge, Kancheepuram would show that he was not aware of the direction given by this court. Considering his submissions, the trial judge is directed to dispose the appeal in A.S.No.33 of 2018 within a period of three months without giving unnecessary adjournment from the date of receipt of copy of this order. However, time granted by this court will not be extended after three months.

4. Furthermore, the learned counsel for 4th respondent would submit that while passing the earlier order dated 30.06.2021, in para 9(h), it was wrongly mentioned that plaintiffs have made a counter claim instead of 4th respondent. Hence, he prayed to modify the contention in para 9(h).



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5. Heard the contentions of learned counsel for petitioners and learned counsel for respondents and perused the order.

6. Considering his submissions, para 9(h) of the order shall be substituted as follows:

In Para 9 (h) at Page 10

“h) This Court is informed that 4th respondent has made a counter claim and obviously all rights and contentions in this regard are also left open to be agitated before the First Appellate Court post remand.”

7. Registry is directed to incorporate above correction in the Order of this Court in S.A.Nos.1028 & 1029 of 2019 dated 30.06.2021 and issue fresh order copy to the petitioner.

31.07.2023

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T.V.THAMILSELVI, J.

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