



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

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WEB COPY

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD)No.459 of 2021

Rajamannar ... Petitioner

Vs.

Paapathi ... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Judge (The Sub Court), Theni to dispose of the suit pending in O.S.No.307 of 2015 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

ORDER

This civil revision petition has been filed to direct the learned Sub Court, Theni to dispose of the suit in O.S.No.307 of 2015 within the time frame.

2.The learned counsel for the petitioner submitted that the petitioner filed a suit in O.S.No.307 of 2015 for specific performance against the respondent herein. On receipt of summon, the respondent sought adjournment for filing written statement. However, the respondent failed to file the same. On 22.03.2017 an ex-parte order came to be passed. Thereafter, the respondent filed a petition to set aside the ex-parte order and the same was allowed on 18.03.2020 and the suit was posted for enquiry. However, the respondent seeking adjournment without any reason and the suit is pending without any progress. Hence, the petitioner has approached this Court by filing this Civil Revision Petition seeking a relief to dispose the suit in O.S.No.307 of 2015 on the file of the Sub Court, Theni, within a stipulated time as fixed by this Court.

3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.Since this Civil Revision Petition is filed for early disposal of the suit in O.S.No.307 of 2015 and since no adverse order is going to be passed, notice to the respondent is not necessary.



5.Considering the facts and circumstances of the case and considering the fact that the suit is of the year 2015, this Court feels that ends of justice would be met by directing the Court below to dispose of the case within a time frame. Without advertng to the merits of the case, a direction is issued to the Sub Court, Theni to dispose the suit in O.S.No.307 of 2015 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. Both the petitioner and the respondent shall co-operate for the disposal of the above suit.

6.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Court, Theni.

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