



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.238 of 2021

Rajamani ... Petitioner/Petitioner/
1st Defendant

vs.

1)The Canara Bank,
Thoothukudi Chidampara Nagar Branch,
Through its Branch Manager,
Thoothukudi.

...Respondent/Respondent/
Plaintiff

2)Duraiaraj (Died)

... Respondent/Respondent/
2nd Defendant

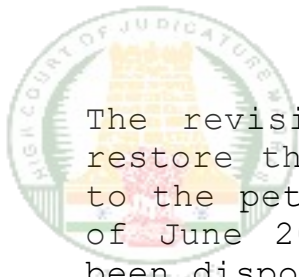
Prayer: Petition filed under Article 227 of the Constitution of India, to direct the Sub Court at Thoothukudi to dispose of the pending I.A.No.2/2020 in O.S.No.193/2003 within the stipulated time which may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Murugappan

ORDER

This Civil Revision Petition has been filed to direct the Sub Court, Thoothukudi, to dispose of I.A.No.2/2020 in O.S.No.193/2003 within a time frame to be fixed by this Court.

2.The learned counsel for the petitioner would state that the 1st respondent bank has filed a suit in O.S.No.193/2003 for recovery of money of Rs.3,86,914/- from the respondents/defendants and to create a charge over the 1st schedule property; to pass a preliminary decree for the decreed sum of Rs.3,86,914/- or pass a final decree straightaway, in case, the amount is not disputed with reference to the 2nd schedule property; to pass a personal decree against the defendants in case of any shortfall in realising the decree amount by the sale of the schedule property or if difficulties are encountered in bringing the schedule properties to sale; to award interest at 16% annually with compounded quarterly rest conditions from the date of plaint till the date of realisation; to award costs and to award such relief or reliefs that the Court deems fit. On 09.01.2019, the 1st respondent/plaintiff filed a memo withdrawing the suit and according to the said memo, the suit was dismissed on 10.01.2019.



The revision petitioner/1st defendant filed I.A.No.2 of 2020 to restore the suit which was not pressed on 10.01.2019. According to the petitioner, though I.A.No.2 of 2020 was filed in the month of June 2020, till now, the above restoration petition has not been disposed by the Sub Court and the petitioner is aged 73 years and his dwelling house has been snatched away by the 1st respondent and therefore, he has come forward with this petition for speedy disposal of I.A.

3.Heard the learned counsel for the petitioner. Since it is only a petition for early disposal of I.A., notice to the 1st respondent is not necessary.

4.Considering the facts and circumstances of the case and without adverting to the merits of the case, ends of justice would be met if a direction is given to the learned Judge to dispose of the above I.A within a time frame. Accordingly, the learned Sub Judge, Thoothukudi, is directed to dispose of I.A.No.2/2020 in O.S.No.193/2003 within a period of two months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala/gns

To

The Sub Judge,
Thoothukudi.

Copy to

1.The Registrar Judicial,
Madurai Bench of Madras High Court,Madurai.

2.The Section Officer, VR Section-2 copies
Madurai Bench of Madras High Court, Madurai.

order made in
CRP(MD)No.238 of 2021
DATED : 18.02.2021

KM (11.03.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>