



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)**

**Tuesday, the Thirtieth day of March Two Thousand and Twenty One
PRESENT**

**The Hon'ble Mrs. Justice J.NISHA BANU
CMP(MD). Nos.3027 and 3028 of 2021**

in

CRP(MD).Nos.273 and 274 of 2021

M. Nagarajan

...Petitioner/Respondent in CMP(MD).No.3027 of 2021

G. Muthupandian

...Petitioner/Respondent in CMP(MD).No.3028 of 2021

Vs

1 V.P.C. Subramanian (Died)

2 V.P.C. Pitchai (Died)

3 P. Suresh Babu

4 P. Bala Prasath ...Respondent/Petitioner in both cases

Prayer in CMP(MD). Nos.3027 and 3028 of 2021 :-

Civil Miscellaneous Petitions are filed under section 151 of Civil Procedure Code, praying this Hon'ble Court to Modify the order dated 24.02.2021 made in CRP(MD).Nos.273 and 274 of 2021.

Common Prayer in CRP(MD).Nos.273 and 274 of 2021 :

Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying this Hon'ble Court to direct the District Munsif of Madurai Town to dispose of the suit in EP Nos.79 and 78 of 2020 in R.C.O.P.Nos.23 and 42 of 2004 on its file within a time limit fixed by this Honourable Court respectively.

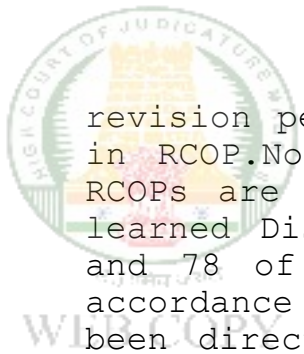
ORDER: -

Civil Miscellaneous Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.Godwin, Advocate for the Petitioner, this Court made the following order:

These petitions have been filed to modify the order passed in CRP(MD)Nos.273 and 274 of 2021 dated 24.02.2021.

2.The respondents herein filed the above revision petitions to dispose of E.P.Nos.79 and 78 of 2020 in RCOP.Nos.23 and 42 of 2004 within a time frame.

3.The specific contention of the revision petitioners in the above revision petitions is that the respondents have been adopting all sorts of tactics to drag on the proceedings and therefore, the revision petitioners approached this Court by way filing the above



revision petitions seeking to dispose of E.P.Nos.79 and 78 of 2020 in RCOP.Nos.23 and 42 of 2004 within a time frame. Admittedly, RCOPs are of the year 2004 and therefore this Court directed the learned District Munsif to dispose of the petitions in E.P.Nos.79 and 78 of 2020 in RCOP.Nos.23 and 42 of 2004 on merits and in accordance with law within a period of eight weeks. It has also been directed that the learned Judge shall proceed in the manner known to law if the respondents evade notice.

4.The petitioners herein have filed the present petitions to modify the order passed in the revision petitions stating that they have filed review petitions in CMP(MD)Nos.34 and 33 of 2020 before this Court and also filed CMP(MD)Nos.11805 and 11806 of 2019 for extension of time in CRPs for payment. The suit is of the year 2004 and citing the pendency of the petitions seeking review and extension of time, the petitioner cannot indefinitely adopt delaying tactics and therefore, I am not inclined to modify the order passed in the revision petitions.

5.Accordingly, CMP(MD)Nos.3027 and 3028 of 2021 are dismissed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CMP(MD). Nos.3027 and 3028 of 2021
in

CRP(MD).Nos.273 and 274 of 2021
30.03.2021

TO

The District Munsif
Madurai Town

KB(27.04.2021) 2P 2C