



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

**Tuesday, the Twenty Sixth day of October Two Thousand Twenty One
PRESENT**

The Hon`ble Mr.Justice SENTHILKUMAR RAMAMOORTHY

CMP(MD) . No.7545 of 2021

in

CRP(MD) .No.523 of 2014

1.Syed Mohammed

2.Aysha Beevi

... Petitioners/Respondents

(Both the Petitioner's are represented though
their power of Attorney Agent, K.Ratnasamy)

Vs

1.Aathima Muniyar Samudhaya Trust

Nagercoil Rep by its Trustees

S.Govindaswamy

2.P. Annadurai

... Respondents/Petitioners

Prayer :-

This Petition is filed under section 151 Code of Civil Procedure to clarify the order dated 13-06-2019 made in the above Civil Revision Petition in C.R.P.(MD).No. 523 of 2014

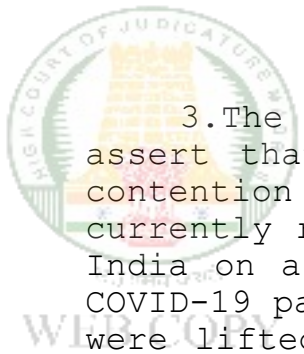
Prayer in CRP(MD) . 523/ 2014 :

Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order passed by the learned I Additional Subordinate Judge, Nagercoil dated 23.09.2013 in I.A.Mo.188 of 2013 in O.S.No.168 of 2013

ORDER:- This Petition 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 Thiru.G.Aravinthan, Advocate for the Petitioners and of Thiru.N.Dilip Kumar, Advocate for the respondents, this Court made the following order:

The petition is filed to clarify the order dated 13.06.2019 in C.R.P(MD) No.523 of 2014. By such order, the Civil Revision Petition was disposed of by directing the Principal Subordinate Court, Nagercoil to dispose of O.S.No.168 of 2013 as expeditiously as possible, preferably within a period of nine months from the date of receipt of a copy of the order.

2.The petitioners are the plaintiffs in the suit. It is brought to the notice of the Court that the trial is in progress and the examination in chief of P.W.1 was concluded. Thereafter, the matter has been adjourned on more than one occasion for the cross examination of P.W.1.



3.The respondents herein, who are the defendants in the suit, assert that the petitioners are protracting the trial. The said contention is refuted by the petitioners, who submit that they are currently residing in Singapore and have not been able to travel to India on account of the travel restrictions imposed in view of the COVID-19 pandemic. However, it is submitted that travel restrictions were lifted very recently and, therefore, the petitioners would be in a position to travel to India soon.

4.By taking into account the aforesaid submissions and keeping in mind the current stage of O.S.No.168 of 2013, C.M.P(MD) No.7545 of 2021 is disposed of by directing the First Additional Subordinate Judge, Nagercoil to dispose of O.S.No.168 of 2013 within a period of four months from the date of receipt of a copy of this order. Towards this end, both the petitioners and the respondents herein are directed to extend their full co-operation. In particular, the petitioners are directed to ensure that the witnesses travel to India for purposes of cross-examination within a reasonable time from today. Both parties are directed to ensure that the evidence is concluded in the suit within two (2) months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 I Additional Subordinate Judge,
Nagercoil.

ORDER DATED : 26/10/2021

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ORDER

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CMP(MD) . No.7545 of 2021

in

CRP(MD) .No.523 of 2014

Giving direction and etc.
as stated within.

KM(CO)

GC/PM(09.11.2021) 2P 2C

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