



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2021

CORAM

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P(MD) No. 1123 of 2021

Thomas Chandy Kondody

... Petitioner/Revision Petitioner

Vs.

1. Mohan Philip

2. Kunju Philip

...Respondents/Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to direct the Additional District Court [FTC], Tenkasi to expedite the trial of O.S. No. 161 of 2020 and conclude the same within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.C. Sudheer

O R D E R

The Civil Revision Petition has been filed to direct the Additional District Court [FTC], Tenkasi, to expedite the trial of O.S. No. 161 of 2020 and conclude the same.

2.It is the case of the Petitioner that he is the plaintiff in the original suit in O.S.No.161 of 2020 on the file of the Additional District Court, (FTC), Tenkasi.Due to misrepresentation of the facts made by the respondents / defendants, the petitioner / plaintiff entered into an agreement of sale agreeing to purchase a quarry from the respondents/defendants. Based on the said misrepresentation, the petitioner / plaintiff has also paid a sum of Rs.1,85,00,000/- (Rupees One Crore Eighty Five Lakhs only) to the respondents/ defendants. Later, it was found that the suit property was not having any necessary licence for doing quarrying operation work. Thereafter, as per the terms of agreement, the respondents / defendants have failed to renew the quarry licence, in spite of repeated demands made by the petitioner / plaintiff and refused to return the money to the petitioner / plaintiff. Hence, the petitioner / plaintiff has filed the said suit for recovery of money.

3. The learned counsel for the petitioner would submit that the petitioner / plaintiff has invested all his life time savings in the sale agreement and that the respondents are delaying the suit and hence, prayed for early disposal of the suit.

4.Considering the limited prayer sought for in the Civil Revision Petition, notice to the respondents is deemed unnecessary.



5.From the 'B' Diary extract produced by the petitioner/ plaintiff, it is seen that the suit is being adjourned for filing written statement from 09.02.2021, for more than six months.

6.Considering the above facts and circumstances of the case and the submission of the learned counsel for the Petitioner and that the suit is pending for filing the written statement by the respondents / defendants for the past six months without any progress , this Court is inclined to pass the following order :

"The learned Additional District Court, (FTC), Tenkasi, is directed to dispose of O.S.No.161 of 2020, pending on his file, on merits and in accordance with law, as early as possible, preferably within a period of one year from the date of receipt of copy of this order."

7. With the above direction, the Civil Revision Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// 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

1. The Additional District Court [FTC],
Tenkasi.

2.The Record Keeper, (2C)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.C.SUDHEER, Advocate (SR-27018[F] dated 24/08/2021)

C.R.P (MD) No. 1123 of 2021
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ES (CO)

KB (27.08.2021) 2P 5C

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