



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD) .No.1441 of 2021

WEB COPY

A. Mohammed Ashik : Petitioner / plaintiff
Vs.

1.N. Pushpam @ Pushpavalli
2.N. Ramachandran : Respondents / defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to CASR.No.4993, dated 03.08.2021 in O.S.No.207 of 2020 on the file of III Additional Subordinate Court, Madurai and to set aside the same as illegal and consequently, direct the III Additional Subordinate Court to provide "B" Diary proceedings as early as possible to the petitioner within a time frame as may be fixed by this Court.

For petitioner : Mr. Ajmal Khan, Senior Counsel
for Mr.C.M. Arumugam

ORDER

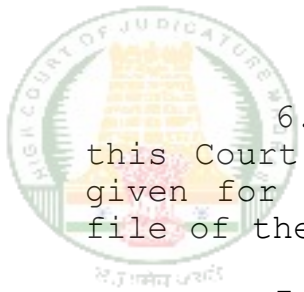
The revision has been filed to call for the records pertaining to CASR.No.4993, dated 03.08.2021 in O.S.No.207 of 2020 on the file of III Additional Subordinate Court, Madurai.

2. Heard the learned counsel for the petitioner.

3. Since the order going to be passed will not cause any prejudice to the rights of the respondent, no notice need be sent to the respondents.

4. On perusal of the records it is seen that CASR.No.4993 was filed for seeking a copy of "B" Diary extract from 24.04.2020 to till date, which was returned as "since the issues are not framed "B" Diary does not arise. When the petitioner represented the CASR on 25.08.2021, again it was returned as "it is a Judge Minutes will not be granted". But, as per the settled legal position, a copy of the "B" diary can be given to the parties.

5. The petitioner in para 7 of the grounds of revision stated that for speed disposal he wants to file a direction petition before this Court and hence, he applied for a copy of "B" Diary extract. He further stated that since the matter is pending from 2020 and also building is in dilapidated condition and dangerous and unsafe condition, he seeks for speedy disposal. Both the return of CASR and the reasons are not proper.



6. The learned counsel for the petitioner undertakes before this Court that he is not pressing the CASR, if the direction is given for speed disposal of the suit in O.S.No.207 of 2020 on the file of the III Additional Subordinate Court, Madurai

7. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the learned III Additional Subordinate Judge, Madurai, to dispose of the suit in O.S.No.207 of 2020, as expeditiously as possible, in any event, not later than, three months from the date of receipt of a copy of this order, in accordance with law.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The III Additional Subordinate Court,
Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-31444[F]
dated 06/10/2021)

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GC (18.10.2021) 2P 3C