



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. (MD) No.1662 of 2021

WEB COPY

Nirmala Filaments (India) P. Ltd.,
Door No.4/167 & 4/168,
Pachapalayam,
Palathurai Post,
Madukkarai (via),
Coimbatore - 641032
Represented by its Power Holder,
P.Ashok

... Petitioner/Petitioner/Plaintiff

Vs.

Surendra Kumar

... Respondent/ Respondent/ Defendant

PRAYER: Civil Revision Petition is filed under Section 227 of the Code of Civil Procedure, to direct the learned Principal District Judge Kanyakumari at Nagercoil to dispose of I.A.No.5 of 2020 in C.O.S.No.44 of 2020 within a time frame fixed by this Court.

For Petitioner : Mr.S.R.Sathan Boopathy

O R D E R

The Civil Revision Petition has been filed seeking a direction to the learned Principal District Judge, Kanyakumari at Nagercoil to dispose of I.A.No.5 of 2020 in C.O.S.No.44 of 2020 in a speedy manner.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is the plaintiff has filed C.O.S.No.44 of 2020 on the file of the Principal District Court, Kanyakumar at Nagercoil for recovery of a sum of Rs.66,06,750/- from the respondent /defendant in respect of goods supplied to him. The respondent / defendant apart from purchasing product from the petitioner, is also indebted to several other persons, thereby, the petitioner had filed a petition in I.A.No.5 of 2020 seeking for attachment of properties. In the said I.A.No.5 of 2020 the petitioner had completed the arguments on 21.12.2020. The respondent is prolonging the matter and is not arguing the matter. The petitioner has a reasonable apprehension that there is a every possibility of the respondent/defendant disposing of the property to the detriment of the petitioner.



3.The learned Trial Judge, without considering the urgency, had periodically adjourned the petition from December, 2020 to till date, with out any progress and thereby, the present petition has been filed seeking for speedy disposal.

4.Considering the limited prayer sought for in the Revision, notice to other side is deemed unnecessary.

5.From the 'B' Diary extract produced by the petitioner, it is seen that the case is being adjourned for orders from 22.12.2020, for more than 10 months.

6. Considering the fact that the petition is pending for the past 10 months without any progress, this Court is inclined to pass the following order:

"The learned Principal District Judge, Kanyakumari District at Nagercoil, is directed to dispose of I.A.No.5 of 2020 in C.O.P.No.207 of 2021, pending on his file, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months 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)

rm

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 Principal District Judge, Kanyakumari at Nagercoil.

+1 CC to M/s.S.R.SATHAN BOOPATHY, Advocate (SR-33317[F] dated 29/10/2021)

C.R.P. (MD) No.1662 of 2021
29.10.2021

RD/JGB (18.11.2021) 2P 3C