



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the First day of February Two Thousand Twenty Three

PRESENT

The Hon`ble Mrs.Justice N.MALA

AS (MD) No.10 of 2015

Pappa @ Jaibunnisha (died) ... Appellant / 1st Defendant

1.Mohammed Arif Nizar
2.Samsath @ Shakila
3.Samsunisha @ Koreema
4.Jikiriba @ Jakir Ushen
5.Sadiq Batcha
6.Baritha
7.Akthari
8.Saleem

... Appellants 1 to 8

(Respondents 2 to 9 are transposed as
appellants 1 to 8 vide order
dated 18.10.2016 made in Cmp.MD.8802 of 2016)

-Vs-

A.R.Abdul Latheef (Died)
1.A.R.Shaik Ahamed
2.Nawabjohn
3.A.L.Dowlath Ushen
4.A.L.Jaheer Ushen
5.Saru @ A.L.Sarthaj Ushen
6.A.Noorjahan Begum
7.K.Sahar Banu
8.A.Hassin Banu

... Respondents

PRAYER: Appeal Suit filed under Section 96 of the Civil Procedure Code, against the judgment and decree in O.S.No.71 of 2006 passed by the II Additional District Judge, Tiruchirappalli, dated 01.09.2014.

ORDER:- This Appeal Suit Petition is coming on for orders on this day under the caption "Extension of time for Lower Court" and the requisition letter submitted by the II Additional District Judge, Tiruchirappalli, in D.No.31, dated 11.01.2023 seeking further extension of time for dispose of the Final Decree Application in I.A.NO.67/2015 in Original Suit in O.S.NO.71/2006 pending on the file of the II Additional District Court, Tiruchirappalli, this Court made the following order:-



The learned II Additional District Judge, Trichy has sent a communication, dated 11.01.2023 seeking extension of time to dispose of the final decree petition in I.A.No.67 of 2015 in O.S.No.71 of 2006 pending before him.

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2. It is to be noted that this Court vide order, dated 28.08.2019, directed the learned II Additional District Judge, Trichy to dispose of the final decree petition in I.A.No.67 of 2015 in O.S.No.71 of 2006 within a period of four months from the date of receipt of copy of the order. The learned Second Additional District Judge, Trichy vide letter dated 29.01.2020 sought permission for six months extension of time and the request was considered by this Court and further four months time was granted to dispose of the case. The learned II Additional District Judge, Trichy again made a request for further extension of time for six months. This Court vide order dated 12.10.2020 granted extension of three months from the date of receipt of copy of the order for disposal of the case. Thereafter on 20.01.2021, the learned II Additional District Judge, Trichy sent a letter seeking further time in view of the pandemic situation and lock down of eight months to dispose the case. This Court vide order, dated 17.02.2021 granted six months time from the date of receipt of copy of the order to dispose the case. The learned II Additional District Judge, Trichy again sent a letter dated 31.08.2021 seeking eight months time to dispose the case. This Court vide order dated 15.09.2021 granted further extension. The learned II Additional District Judge, Trichy has now sent a letter on 11.01.2023 seeking further time of six months to dispose I.A.No.67 of 2015 in O.S.NO.71 of 2006 stating that the settlement process is going on as per the representation of the counsels.

3. It is seen that more than 2 ½ years has lapsed, since the order passed by this Court on 28.08.2019. In spite of repeated extensions, the learned Second Additional District Judge, Trichy has not complied with the order by this Court.

4. In view of the repeated extensions granted earlier, this Court is inclined to give further extension of two months only to dispose I.A.No.67 of 2015 in O.S.No.71 of 2006. The learned Second Additional District Judge, Trichy is directed to report compliance of the order within the time extended herein.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)



TO

The II Additional District Judge,
Tiruchirappalli.

Copy to:

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1. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 01/02/2023

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ORDER
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AS (MD) No.10 of 2015

Giving direction and etc.
as stated within.

SS/(10.02.2023) 3P 4C

AS(MI)



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