



WEB COPY



C.R.P.(PD) No.1529 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1529 of 2022

and

C.M.P.No.7743 of 2022

1.Mathivanan
2.Gandhimathi

... Petitioners

Vs.

R.Surendrakumar Gupta

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 10.12.2021 passed in I.A.No.81 of 2021 in O.S.No.71 of 2013 on the file of the District Munsif Court, Vanur.

For Petitioners : Mr.D.Senthil Kumar

ORDER

This Civil Revision Petition has been filed challenging the order of the learned District Munsif, Vanur, dated 10.12.2021 made in I.A.No.81 of 2021 in O.S.No.71 of 2013.

2. The revision petitioners are the defendants in the suit. The suit was



filed by the respondent / plaintiff and the suit was originally filed for permanent injunction. An amendment petition was filed in I.A.No.81 of 2021 in order to include the relief of declaration as well. The said petition was allowed. Aggrieved over that the petitioners has filed this revision petition before this Court.

3. The learned counsel for the petitioners submitted that even when the written statement was filed, the petitioners had alleged that the suit is not maintainable without the relief for declaration and the respondent had dragged the proceedings for nearly 8 years and only thereafter has chosen to file the amendment petition.

4. Though it is true that there is an enormous delay in filing the petition for amendment for amending the relief, the amendment seems to have been carried out and the suit is pending. In such context of the matter, I feel that a direction should be given to the learned trial Judge to dispose the matter within a stipulated time will help to dispose the suit itself on merits.

5. Hence, this Civil Revision Petition is disposed and the learned trial



C.R.P.(PD) No.1529 of 2022

Judge, is directed to dispose the suit within a period of three months from the date of receipt of a copy of this order, after giving opportunity to the petitioners to file their additional written statements, if any. No Costs. Consequently, connected civil miscellaneous petition is closed.

07.06.2022

Index : Yes/No
Speaking Order : Yes / No
ssn

To

1. The District Munsif Court,
Vanur.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

R.N.MANJULA, J.,

ssn



WEB COPY



C.R.P.(PD) No.1529 of 2022

**C.R.P.(PD).No.1529 of 2022
and
C.M.P.No.7743 of 2022**

07.06.2022