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C.R.P. (PD) No.2502 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2502 of 2022

Pushpa

...

Petitioner /
Plaintiff

versus

1.Johnpeter
2.Royappan
3.Francis
4.Agastin

...

Respondents /
Defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the trial Court to dispose of the suit in O.S.No.234 of 2016 pending on the file of the learned District Munsif, Chengalpattu, Kancheepuram District, within a stipulated time prescribed by this Court.

For Petitioner

: Mr.A.J.Mohamed Kassim



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ORDER

This Civil Revision Petition has been filed seeking for a direction to the learned District Munsif, Chengalpattu, Kancheepuram District, for speedy disposal of the suit in O.S.No.234 of 2016.

2. The revision petitioner is the plaintiff, who has filed the suit as against the respondents / defendants for recovery of possession.

3. The learned counsel for the petitioner submitted that despite the suit was filed in the year 2016 for recovery of money against the defendants 1 to 4, defendants 2 to 4 have already vacated the premises and handed over the possession and as of now the only contesting party is the first defendant and he was also very irregular in making his appearance before the Court; despite an *ex parte* decree has already been passed, he had filed a petition to set aside the *ex parte* decree and even that petition was allowed to be dismissed for default; subsequently he filed a petition to restore the application to set aside the *ex parte* decree and thereafter by the order of the Court the suit got restored on 30.07.2019.



4. On perusal of the E-Courts status of the case furnished by the learned counsel for the petitioner, it is seen that the matter had already been disposed in the year 2017. It is probably because the *ex parte* decree has already been passed and thereafter the suit got restored on 30.07.2019 and posted for trial. The matter was adjourned for trial for atleast 16 hearings from 06.09.2019 to 09.02.2021 and thereafter, the case was posted to 18.03.2021.

5. The first respondent / first defendant seems to have filed a petition for filing additional written statement and that was also pending for quite some time. The additional written statement was also not filed till date and the matter is being adjourned for filing additional written statement from 10.11.2021 to 19.07.2022. Since the suit has been filed in the year 2016 for recovery of possession the matter could not be reached the stage of trial till now. Hence, it will be appreciable if the learned trial Judge disposes the case as expeditiously as possible.

6. Accordingly, this Civil Revision Petition is disposed of and the learned District Munsif, Chengalpattu, Kancheepuram District, is



directed to dispose of the suit in O.S.No.234 of 2016 preferably within a period of six months from the date of receipt of a copy of this order. No costs.

08.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The District Munsif, Chengalpattu, Kancheepuram District.



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R.N.MANJULA, J.

sri

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