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C.R.P(PD).No.81 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.81 of 2022
and C.M.P.No.474 of 2022

R.Kishan

... Petitioner

..Vs..

- 1.T.Viswanath @ T.T.Vadivel
- 2.T.T.Bhoopalan
- 3.T.T.Sumathi
- 4.T.T.Sai latha
- 5.T.Girija
- 6.T.T.Hemalatha
- 7.The Sub Registrar,
Office of the Sub Registrar,
T Nagar. No.9, Jeenis Road, Saidapet,
Chennai 600 015.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of the learned XV Assistant Judge, City Civil Court, Chennai, dated 24.09.2021 made in I.A.No.10 of 2021 in O.S.No.6007 of 2019.



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For Petitioner : Mr.M.Praveen Kumar

For Respondents : Mr.T.V.Vineeth Kumar for RR1,2,4 to 6
No appearance for R3
Mr.E.Vijayanand
Additional Government Pleader for R7

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned XV Assistant Judge, City Civil Court, Chennai, dated 24.09.2021 made in I.A.No.10 of 2021 in O.S.No.6007 of 2019.

2.The revision petitioner is the plaintiff who has filed a suit against the respondents/defendants for the relief of permanent injunction and mandatory injunction. On 19.04.2021, the learned trial Judge has passed the following order:

*“O.S.IA.No.8/21 is pending call on 04.06.21
IA.No.3/19-Enquiry call on 04.06.21 IA.No.4/19-Enquiry
call on 04.06.2021 IA.No.5/19-Enquiry call on 04.06.21
IA.No.6/19-Enquiry call on 04.06.2021 IA.No.8/19-In the*



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result, this petition here by allowed with direction directing the petitioner/plaintiff to filed his proof affidavit on 04.06.2021. Call on 04.06.2021.”

3.The revision petitioner has filed an Interlocutory Petition in I.A.No.10 of 2021 for enlargement of time given in I.A.No.8 of 2021 for commencement of chief examination in the suit. To put it in a simpler terms is an adjournment petition and the same was dismissed. Aggrieved over that, the petitioner has preferred this revision.

4.The submission of the learned counsel for the petitioner is that by virtue of the order dated 19.04.2021, certain reliefs sought by him through various Interlocutory Petitions are still pending for disposal, but I.A.No.8 of 2021 alone is allowed with a direction to the petitioner/plaintiff to file his proof affidavit on 04.06.2021; since he has already filed Writ proceedings before this Court in W.P.No.130813 of 2021 and the same is pending, the petition filed in I.A.No.10 of 2021 should also be allowed.



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5. Even from the date when the impugned order was passed i.e., on 24.09.2021, nearly 10 months time has lapsed. Though the petitioner has been given sufficient time, he did not utilize the benefit of the earlier order. The learned trial Judge has rightly dismissed the petition filed for further extension of time. I find no ground for interference.

6. Hence, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is also closed.

14.07.2022

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Index: Yes No

Speaking Order: Yes/No

To

1. The XV Judge, City Civil Court,
Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

Vkr

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