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CRP. No.3273 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP. No.3273 of 2019
& C.M.P No.21257 of 2019

P.Rani

...Petitioner/Petitioner/plaintiff

Vs.

- 1.M.Sivkami
w/o late Mr.G.Mani
- 2.M.Jagadeesan
S/o late Mr.G.Mani
- 3.R.Hemavathi
D/o late G.Mani & W/o S.Rajasubash
- 4.The Secretary,
PTC Coop. House Construction Society Ltd.,
Pallavan House,
Anna Salai, Chennai – 600 002.
- 5.The Commissioner,
Corporation Greater Chennai,
Chennai – 600 003.
- 6.The Executive Engineer,
Zone – 15,
Corporation of Greater Chennai,
No.120, Rajiv Gandhi Salai,
Shozhingallur,
Chennai – 119.



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7. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi – Irwin Road,
Thalamuthu Natarajan Building, Egmore,
Chennai – 600 008.

....Respondents/Respondents/Defendants

PRAYER: This Civil Revision Petition is filed under Section 115 of CPC praying to direct the lower Court below for speedy disposal of I.A No.964 of 2017 in O.S No. 192 of 2017 on the file of the learned Additional District Munsif at Alandur.

For Petitioner	: Mr.M.Boopathi
For R1 to R3	: Mr.T.Balaji, Not known
For R4 to R6	: No appearance
For R7	: Mrs. P.Veena Suresh

ORDER

This Civil Revision petition has been filed to direct the lower Court below for speedy disposal of I.A No.964 of 2017 in O.S No. 192 of 2017 on the file of the learned Additional District Munsif, Alandur.

2.The revision petitioner herein is the plaintiff in suit O.S No.192 of 2017 on the file of the District Munsif, Alandur for the relief of declaration and injunction in respect of properties as described in the plaint schedule, in that suit he filed I.A No. 964 of 2017 on 22.08.2017 to direct the



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respondents/defendants 5 to 7, to put a seal to stop unauthorized construction in the schedule mentioned property till disposal of the suit and the notice was served to the respondent/defendant, they also appearing through their respective counsel and sought time to file documents to proceed the arguments accordingly adjournment was given by the Trial Court and perused the records the matter was adjourned. Thereafter, petitioner side arguments heard on 18.03.2019 and written arguments also filed, and adjourned the matter for respondent side arguments. Meanwhile the defendants filed I.A No. 1225 of 2019 to appoint advocate commissioner.

3. The contention of the learned counsel for the petitioner is that instead of disposing the interim application I.A No.964 of 2017 the Trial Court giving adjournments to the respondent not realising the urgency of the said application. Further instead of arguing the matter the respondents filed I.A No. 1225 of 2019 in the said suit with the intention of drag on the proceedings. So he prayed to direct the Trial Court to dispose the said I.A No. 964 of 2017 in O.S No. 192 of 2017 as early as possible.

4. The learned counsel for the defendants submitted that they are cooperate for the proceedings and to prove their case they filed I.A 1225 of



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2019 for the appointment of advocate commissioner same was pending before the Trial Court.

5. On perusal of records it reveals that in the year of 2017 interim application was filed by the plaintiff which was not been disposed by the Trial Court and adjourned the matter for more than 2 years without passing any order. Hence, this Court is of the view that it cause hardship to the plaintiff who approached the Court for Justice therefore the Trial court is directed to dispose the I.A No. 964 of 2017 in O.S NO.192 of 2017 within four months as per manner known to law from the date of receipt of a copy of this order. Thereafter, I.A No. 1225 of 2019 in O.S No. 192 of 2017 may be taken of file.

6. In the result, the Civil Revision Petition is disposed of. Consequentially connected Miscellaneous petition is closed. There shall be no order as to costs.

27.10.2022

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To

1. The Additional District Munsif, Alandur.

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T.V.THAMILSELVI,J.

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