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CRP.No.3449 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3449 of 2022
and
CMP.No.18336 of 2022

Vijaya Venkataraman

... Petitioner

Vs.

1.Muniammal
2.Sri Vinayaga Builders
No.6, Madley Road, Second Floor
T.Nagar, Chennai 600 017.

3.Radha Ramachandran
4.Ramachandran
5.Thavasimuthu

6.The Commissioner
Corporation of Chennai
Rippon Buildings
EVR Salai
Chennai 600 003.

... Respondents



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned IV Assistant City Civil Court, Chennai to number and take up I.A.SR.No.65334 of 2022 in I.A.No.11931 of 2016 in O.S.No.838 of 2014, filed on 10.10.2022 and decide the same in accordance with law before passing final orders in I.A.No.11931 of 2016 in O.S.No.838 of 2014 and allow the Civil Revision Petition.

For Petitioner : Mr.Srinath Sridevan
for Mr.Kunjithapatham Ramu

ORDER

This Civil Revision Petition is filed seeking a direction to the learned IV City Civil Judge, Chennai, to number the I.A.SR.No.65334 of 2022 in I.A.No.11931 of 2016 in O.S.No.838 of 2014 and decide the same in accordance with law.

2. Having regard to the limited scope of prayer made in this revision, this Court is inclined to dispose of this revision, even without notice to the respondents.



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3. It was stated by the petitioner in I.A.SR.No.65334 of 2022 that, in pursuance of the order passed by this Court in CRP.(PD)No.398 of 2017, the petition for rejection of the plaint was filed by him in I.A.No.11931 of 2016 and said petition was taken up for hearing on 13.09.2022. His counsel was present before the Court on that day and the matter had been adjourned from time to time, finally it was posted for hearing on 29.09.2022. It was further stated that on 29.09.2022, learned counsel for the petitioner suddenly fell ill and hence he could not appear before the Court and on his behalf an adjournment application was filed by his Junior Counsel.

4. It was further stated that the adjournment application had been dismissed by the Court and the matter was reserved for hearing the respondents. Therefore, the petitioner was constrained to file the instant application in I.A.SR.No.65334 of 2022 for re-opening of I.A.No.11931 of 2016 and advancing his oral arguments. It was stated by the petitioner that the said I.A.SR.No.65334 of 2022 was returned with a direction to the petitioner to serve the counsel for the respondents. After complying the said



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direction, the petition was re-presented on 13.10.2022, however, the said application has been kept pending without being numbered.

5. Therefore, this Court is inclined to issue a direction to the Court below to number the I.A.SR.No.65334 of 2022 and dispose of the same in accordance with law within a period of one week from the date of receipt of a copy of this order.

6. It is needless to stay, till the disposal of the I.A.SR.No.65334 of 2022 the Court below shall defer the passing of the final orders in I.A.No.11931 of 2016.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

27.10.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal District Munsif Court, Alandur.
- 2.The Commissioner
Corporation of Chennai
Rippon Buildings
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