



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.2614 of 2017

M.Sathiyaseelan

... Petitioner / Petitioner / Defendant

Vs.

R.Vadivambal

Rep. by Power Agent, Vembuli

... Respondent / Respondent / Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional District Judge, Chengalpattu to dispose the case in I.A.No.438 of 2014 in O.S.No.58 of 2013 pending on the file of the Additional District Court, Chengalpattu within the time stipulated by this Court.

For Petitioner	..	Mr.G.Muthukumar
For Respondent	..	No appearance

ORDER

Let me not hold the present Civil Revision Petition any further on

the board of this Court.



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2.The defendant who had filed an application under Order 7 Rule 11 CPC seeking to reject O.S.No.58 of 2013 is the revision petitioner herein. That application in I.A.No.438 of 2014 is said to be pending. It must also be mentioned that the suit from which the present revision petition arises is now pending on the file of the Additional District Court, Chengalpattu.

3.The learned counsel for the revision petitioner / defendant stated that the respondent / plaintiff earlier filed O.S.No.207 of 2009 seeking a decree of permanent injunction. That suit was permitted to be withdrawn with liberty to file a fresh suit adding the relief of declaration of title. In that manner, O.S.No.58 of 2013 came to be filed. In that particular suit, the present Civil Revision Petitioner had filed an application under Order 7 Rule 11 CPC to reject the plaint. That application had been dismissed, necessitating the filing of the present Civil Revision Petition.

4.It is stated by the learned counsel for the revision petitioner that the suit in O.S.No.58 of 2013 is ripe for trial. It would only be appropriate that the parties graze the witness box, tender evidence, and permit such evidence to be tested in manner known to law. That is the



preferred manner in which any contentious issue must be raised, analysed and decided.

5.A direction is issued to the Additional District Court, Chengalpattu, to proceed further with the trial in O.S.No.58 of 2013 and afford necessary opportunity to both the plaintiff and defendant to adduce evidence and if intervening applications are not filed and if there are no other foreseeable circumstance which obstructs the free flow of the trial, then the learned Trial Judge may endeavour to dispose of the suit on or before 30.09.2022.

6.With the above observations, the Civil Revision Petition stands dismissed. No order as to costs.

07.03.2022

Internet:Yes/No

Index:Yes/No

smv

To

The Additional District Court, Chengalpattu.



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4

C.V.KARTHIKEYAN,J.

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