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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Eleventh day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K. MURALI SHANKAR

CRP (PD)(MD). No.1855 of 2022

Kaleeshwari

... Petitioner

Vs

K.N. Malathi

... Respondent

Prayer :-

Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.308 of 2022 on the file of the Principal Sub Court, Srivilliputhur, Virudhunagar District.

ORDER:- This Civil Revision Petition coming on for orders on this day under the caption "Extension of time for Lower Court" and upon perusing the earlier orders of this Court dated 22.09.2022 and the requisition letter submitted by the Principal Subordinate Judge, Srivilliputhur, Virudhunagar District in D.No.809/2023 dated 05.09.2023, seeking further extension of Six months time to dispose of the case in O.S.No.308 of 2022, this Court made the following order:



This matter is listed today under the caption for 'extension of time'.

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2. It is seen from the records that this Court vide order dated 22.09.2022, directed the learned trial Judge to dispose of the suit in O.S.No.308 of 2022 within a period of one month from the date of receipt of copy of that order. Subsequently, at request of the learned Principal Subordinate Judge, Srivilliputhur, this Court vide order dated 31.01.2023, has granted six months further time. But now, the learned Principal Subordinate Judge, Srivilliputhur, has again submitted a request, dated 05.09.2023 stating that the Commissioner has not filed the report and that therefore, seeks six months time to dispose of the case.

3. It is evident that after direction was issued by this Court, the trial Court has appointed an Advocate Commissioner on 16.11.2022, despite the lapse of more than 10 months, the Commissioner has not chosen to file report. It is for the concerned Court to direct the Commissioner to file the report at the earliest date, in view of the specific directions given by this Court.

4. Considering the above, the learned Principal Subordinate Judge, Srivilliputhur, Virudhunagar District, is hereby directed to instruct the Advocate

Commissioner to file report within a period of one month from the date of receipt of



copy of this order and to complete the trial and to dispose of the suit in O.S.No.308 of 2022 within three months thereafter, without fail.

// True Copy //

Sd/-
Assistant Registrar(CS I)

/10/2023
Sub Assistant Registrar(CS)

TO

The Principal Subordinate Judge,
Srivilliputhur, Virudhunagar District.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai



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ORDER DATED : 11/10/2023

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ORDER

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CRP(MD). No.1855 of 2022
Giving direction and etc.
as stated within.

MK/18.10.2023 4P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023