



C.R.P.No.1650 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1650 of 2023

Pattammal

. . . Petitioner

Versus

1.Elangovan

2.Arul

. . . Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India to allow the above civil revision petition by directing the disposal of I.A.No.65 of 2022 in O.S.No.248 of 2020 on the file of the District Munsif-cum-Judicial Magistrate Court, Cheyyur, within a stipulated period.

For Petitioners : Mr.P.Santhosh

ORDER

Heard Mr.P.Santhosh, learned counsel for the petitioner and perused the records.

2. This revision petition is filed seeking for a direction to the learned District Munsif-cum-Judicial Magistrate, Cheyyur, to dispose of I.A.No.65 of 2022 in O.S.No.248 of 2020, within a time frame as fixed by this Court.



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3. Learned counsel for the petitioner submitted that the petitioner, as a plaintiff has filed O.S.No.248 of 2020 on the file of the District Munsif-cum-Judicial Magistrate Court, Cheyyur for perpetual injunction against the respondents/defendants. The respondents/defendants have filed their written statement questioning the title of the petitioner/plaintiff, thereby, the petitioner has moved I.A.No.65 of 2022 under Order VI Rule 17 of the Code of Civil Procedure for amendment of the plaint by converting the suit for injunction to that of the suit for declaration of title. Learned counsel further submitted that the said interlocutory application is not disposed of, even though it is ripe for disposal.

4. On a perusal of the adjudication proceedings of I.A.No.65 of 2022, it is seen that the respondents/defendants have filed counter in said interlocutory application on 20.09.2022 and since the matter is being adjourned from time to time under the caption "Enquiry", as could be seen from the proceeding sheets, no specific reasons are assigned for adjourning the matter for so many times.

5. It is a small petition, which should have to be disposed of by the trial Judge, however, this Court, while taking cognizance of the fact that number of cases are pending in the District Munsif-cum-Judicial Magistrate Court,



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Cheyur, and also considering the circumstances, this civil revision petition is disposed of, directing the learned District Munsif-cum-Judicial Magistrate, Cheyyur to dispose of I.A.No.65 of 2022 in O.S.No.248 of 2020 and pass final orders within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

13.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

The District Munsif-cum-Judicial Magistrate,
Cheyyur.



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DR.D.NAGARJUN, J.,
ms

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