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C.R.P. No. 2465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.07.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2465 of 2023

and

C.M.P.No.15374 of 2023

M/s Mega City Development
Corporation
Represented by its partner, Ashrat Buhari
Chennai City Centre, 4th floor,
Dr. Radhakarishnan Salai,
Chennai 600 004.

...Petitioners

.Vs.

S. Sivakumar

...Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records on the file of the Principal District Judge, Kancheepuram District at Chengalpattu relating to the Judgment and Decree dated 19.12.2022 and on the file of the Principal Subordinate Judge, Chengalpattu relating Judgment and Decree dated 16.10.2019 passed in I.A.No.2 of 2019 in O.S.No.73 of 2019, hear the Revision petition and allow the Revision petition and pass orders.

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For Petitioner : Mr. S.A. Rajan
For Respondent : U. Gowri Shankar

ORDER

This petition is filed to call for the records on the file of the Principal District Judge, Kancheepuram District at Chengalpattu relating to the Judgment and Decree dated 19.12.2022 and on the file of the Principal Subordinate Judge, Chengalpattu relating Judgment and Decree dated 16.10.2019 passed in I.A.No.2 of 2019 in O.S.No.73 of 2019, hear the Revision petitioner and allow the Revision petition.

2. The facts of the case is that there was dispute in the subject property, due to which the Respondent herein filed a suit in O.S.No.73 of 2019 and when the same was pending, he filed I.A.No.2 of 2019 in O.S.No.73 of 2019, restraining the petitioner herein his men, servants or anybody else from interfering with the possession and enjoyment of the suit property and the same was allowed vide order dated 16.10.2019. Aggrieved over the same, the petitioner herein preferred an appeal in CMA No. 2 of 2020, wherein the learned Judge has dismissed the same vide order dated



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19.12.2022. Hence this petition.

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3. The learned counsel for the petitioner submitted that pending suit, the respondent passed away on 10.02.2023. Hence the legal heirs have to be impleaded in the suit to proceed further. However, the suit is of the year 2019 and the same is pending. Hence he sought a direction to the Court below to dispose of the suit as early as possible.

4. The learned counsel for the respondent submitted that the learned Judge after looking into each and every aspects has passed the impugned order and there is no necessity to interfere with the same. Hence prays to dismiss this petition.

5. In view of the above, the learned Principal District Judge, Kancheepuram District at Chengalpattu is directed to dispose the O.S.No.73 of 2019 within a period of one year from the date of receipt of a copy of this order. The respondent is also directed to take steps to implead the legal heirs within a one month from the date of receipt of a copy of this order. The



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Court shall not grant unnecessary adjournments and the parties are directed to co-operate with the proceedings.

6. With the above directions, this Civil Revision Petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

24.07.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The Principal District Judge, Kancheepuram District at Chengalpattu.
2. The Principal Subordinate Judge, Chengalpattu



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V.BHAVANI SUBBAROYAN,J.
Smn

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