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C.R.P. NO.1846 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HON'BLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1846 of 2023

1.V.R.S.Vijayaraja Selvan
2.V.R.S.Vidhya Vanisree Revathi ... Petitioners

Vs.

1.V.R.Sampath Selvan
2.S.Sunitha
3.R.Venkatesan
4.G.Jayanthi ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Sub Judge, Kancheepuram to dispose of I.A.No.726 of 2018 in O.S.No.235 of 2012, at the earliest.

For Petitioners : Mr.P.Dinesh Kumar

ORDER

Heard Mr.P.Dinesh Kumar, learned counsel for the petitioners and perused the records.

2. This civil revision petition is filed seeking for a direction to the learned Sub Judge, Kancheepuram to dispose of I.A.No.726 of 2018 in



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O.S.No.235 of 2012, which was filed under Section 5 of Limitation Act, 1963 to condone the delay of 70 days in filing the petition to restore the suit, which was dismissed for default on 27.11.2017.

3. Learned counsel for the petitioner submitted that notice was served to all the respondents in I.A.No.726 of 2018, pleadings are completed and the petition is ripe for disposal, since longtime. However, the said application is still pending, thereby, prejudice is being caused to the petitioners, who filed the suit seeking for declaration and for permanent injunction in respect of the schedule of property.

4. A perusal of the adjudication proceedings of the trial Court would show that the trial Court has kept I.A.No.726 of 2018 pending since longtime for enquiry. It appears that said interlocutory application was once posted for order, but it was re-opened for arguments of some of the respondents. However, I.A is still kept pending and inordinate delay has occurred in disposing of the small petition.

5. Considering the circumstances, this civil revision petition is disposed of directing the learned Sub Judge, Kancheepuram to dispose of



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I.A.No.726 of 2018 in O.S.No.235 of 2012 as expeditiously as possible,
not later than 30 days from the date of receipt of a copy of this order.

There shall be no order as to costs.

20.06.2023

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

To
The Sub Judge,
Kancheepuram.



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Dr.D. NAGARJUN, J.

ms

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