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C.R.P.No.3137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3137 of 2023

Dr.Mekala Daniel

... Petitioner

-Vs-

1. T.Kurpamoorthy
2. Tmt. Selvarani de Beauvoir
3. Sornalatha Baskaran

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Hon'ble II Addl. Judge, City Civil Court, Chennai to decide and dispose the pending Appeal in A.S.No.73 of 2021 on merits of records filed before the Hon'ble Court within the time frame that may be fixed by this Hon'ble Court.

For Petitioner

: Mr.T.Santhanam



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ORDER

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The Revision Petitioner herein is the 1st respondent in the appeal in A.S.No.73 of 2021 on the file of II Addl. Judge, City Civil Court, Chennai, which was filed by the appellant challenging the judgment and decree passed by learned III Asst. Judge, City Civil Court, Chennai.

2. Since the relief claimed by the Revision Petitioner only seeking a direction for a speedy disposal, the notice to the respondents is dispensed with.

3. On perusal of e-court status, the case is at the stage of await service for 2nd respondent. The learned counsel for Revision Petitioner would submit that nearly more than one year, the service in respect of 2nd respondent is pending and the Revision Petitioner is the 1st respondent, but she prayed for speedy disposal of appeal. The learned counsel would also submit that due to non-service of notice to 2nd respondent, the case is pending for more than one year.

4. On perusal of e-court status, it reveals that await service for 2nd respondent, the case is adjourned. Admittedly, she is in abroad. The learned counsel for Revision Petitioner would submit that purposely, to drag on the proceedings, the appellant is not inclined to serve notice on the



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2nd respondent. The appellant is the subsequent purchaser and the issue is pending between three sisters. The original plaintiff and the defendants are senior citizens and the plaintiff, Dr.Mekala Daniel, who is 1st respondent in the appeal and now she is aged about nearly 58 years. Considering the fact that all are senior citizens and the appellant, who is subsequent purchaser of the property is directed to serve notice on the 2nd respondent within a period of four weeks from the date of receipt of copy of this order. However, since the appeal is pending from the year of 2021, the first appellate court is directed to proceed with the appeal as per manner known to law and dispose the same as expeditiously as possible within a period of four months. Accordingly, this Civil Revision Petition is allowed. No costs.

20.10.2023

Index : Yes/No
Speaking Order : Yes/No
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To
II Addl. Judge,
City Civil Court, Chennai.

T.V.THAMILSELVI, J.



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