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C.R.P.No.2528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2528 of 2023

Kaliyaperumal

... Petitioner

..VS..

1. M/s.P.P.S.Murugan Agencies,
Rep.by its Proprietor,
Murugan, Petrol Bunk,
Vadalur.
2. The Managing Director,
Bharath Petroleum,
Having Office at Chennai,
Chennai.
3. Gopi
Welding Contractor,
4. The District Collector,
Cuddalore District,
Cuddalore.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Judge, Cuddalore to dispose of O.S.No.307 of 2019 within such a period as this Court may be please to fix.



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For Petitioner : Mr.L.Pachaiyappan

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ORDER

This Civil Revision Petition has been filed for a direction to the learned District Judge, Cuddalore to dispose of the suit in O.S.No.307 of 2019 within the stipulated time that may be fixed by this Court.

2. The petitioner is the plaintiff and the respondents are the defendants in O.S.No.307 of 2019 filed by the petitioner.

3. The case of the petitioner is that he filed the said suit for damages for the injuries sustained by him due to the fire accident occurred in the Petrol Bunk of the first respondent herein and along with the suit an application was filed by the petitioner to declare him as indigent person and the same was allowed on 01.11.2019 and thereafter, the suit was numbered.

4. The learned counsel for the petitioner submitted that after filing of the written statement, there is no progress in the above suit for the past 4



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years and the petitioner is really affected person of the said suit. He further submitted that the respondents herein dragged the proceedings without an progress and now, the suit is at the stage of P.W.1 cross, the first respondent has filed applications for impleading one Saravana Builders, who is not at all necessary party in the said suit. He also submitted that after framing of issues, the above suit was posted for evidence and the petitioner was examined as P.W.1 and marked Exs.A1 to A16 and the matter was posted for cross examination of P.W.1 and thereafter, the first respondent failed to conduct the cross examination, he filed the application for impleading the said Saravana Buildings. The petitioner sustained injuries all over the body, he survived with multiple burn injuries which causes permanent disabilities to the petitioner. Therefore, the petitioner has been filed the said suit for damages, but only to harass the petitioner, the respondents are dragging on the said suit. Therefore, the petitioner has filed the present civil revision petition for a direction to the learned District Judge, Cuddalore to dispose of the suit in O.S.No.307 of 2019 within the stipulated time that may be fixed by this Court.



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5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the learned District Judge, Cuddalore is directed to dispose of the suit in O.S.No.307 of 2019, as expeditiously as possible, preferably within a period of one year from the date of receipt of a copy of this order and file report in that regard before this Court after disposal of that suit. The parties to the suit are directed to co-operate with the trial, without seeking any unnecessary adjournments on flimsy grounds.

7. Accordingly, this Civil Revision Petition is disposed of with the aforesaid direction. No costs.

26.07.2023

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The District Judge, Cuddalore.



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V.BHAVANI SUBBAROYAN,J.

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