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CRP.No. 2699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

CRP.No. 2699 of 2023
and
CMP Nos. 16647 & 16648 of 2023

M. Ravi

... Petitioner

Versus

1.Meenakshi
Jayakumar (Deceased)
2.J. Sheela
3.J. Lenin Prabhu
4.J. Praveen
5.J. Edwin

.. Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, prays to set aside the docket order dated 03.07.2023 in IA.No. 1 of 2023 in A.S.No. 8 of 2023 on the file of VII Additional City Civil Court, Chennai.

For Petitioner : Mr.T.Saikrishnan
For Respondents : Mr.P.T. Perumal



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ORDER

This Civil Revision Petition has been filed seeking to set aside the docket order dated 03.07.2023 in IA.No. 1 of 2023 in A.S.No. 8 of 2023 on the file of VII Additional City Civil Court, Chennai.

2. The brief facts of the case are that the petitioner/plaintiff has filed the suit in O.S.No. 2912 of 2012 before the XII Assistant City Civil Court, Chennai, for declaration and, other reliefs against the respondents/defendants. The respondents/defendants have contested the suit by filing written statement denying all the averments made in the plaint. After perusing the records, the Court below dismissed the suit by judgment and decree dated 11.08.2022, the counter claim filed by the respondents/defendants was allowed declaring that the schedule properties belonged to the defendants 1&2 and the plaintiff was directed to handover the vacant possession to the defendants 1&2 within a period of two months. Challenging the same, the petitioner has preferred an appeal in A.S.No. 8 of 2023 under Section 96 CPC., read with Order 41 Rules 1 & 2 CPC before the learned Principal Judge, City Civil Court, Chennai, and the same is pending. During the



pendency of the appeal proceedings, the petitioner/appellant has filed an IA.No. 01 of 2022 in A.S.No. 8 of 2023 before the learned Principal Judge, City Civil Court, Chennai, seeking to stay in the judgment and decree dated 11.08.2022, the counter claim in O.S.No. 2912 of 2012 on the file of XII Assistant City Civil Court, Chennai, pending disposal of the main Appeal. After perusing the records, the Appellate Court closed the application in IA.No. 1 of 2023, the first appeal was adjourned for arguments on 13.07.2023.

3. Today, when the matter was taken up for hearing, the learned counsels on either side appeared before this Court and they would submit that the Court below may be directed to proceed with the trial in AS.No. 8 of 2023 within a time frame fixed by this Court pursuant to the judgment and decree passed by the Court below in the Counter Claim in O.S.No. 2912 of 2012. Further, the learned counsels also seeks stay of EP.No. 213 of 2023 pending disposal of the Appeal Suit in A.S.No. 8 of 2023.

4. Considering the above and submissions made by the learned counsel on either side, this Court directs the learned VII Additional Judge, City Civil Court, Chennai, to expedite the trial and complete the entire process within a



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period of six months from the date of receipt of a copy of this order. Till the outcome of the same, the EP.No. 213 of 2023 shall not be proceeded with.

5. With the above direction, the Civil Revision Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

08.08.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

MSM

To

1. The VII Additional City Civil Court, Chennai.
2. The Section Officer, V.R. Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

MSM

C.R.P.No. 2669 of 2023



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