



CRP No.2933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

Civil Revision Petition No.2933 of 2023

Rajamanickam

... Petitioner

Vs.

1. Unnamalai Ammal
2. Dharmalingam
3. Paramasivam
4. Vijaya
5. Molavi Ammal

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India to issue a direction to the Additional Sub Court, Kallakurichi to dispose of I.A.No.1115 of 2018 in O.S.No.488 of 2017, as expeditiously as possible within the time frame to be fixed by this Court

For Petitioner : Mr.N.Manoharan

ORDER

The present Civil Revision Petition has been filed to issue a direction to the Additional Sub Court, Kallakurichi to dispose of I.A.No.1115 of 2018 in O.S.No.488 of 2017, as expeditiously as possible within the time frame to be fixed by this Court.

2. The brief facts of the case is as follows:-



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The petitioner is the 3rd defendant and the 5th respondent is the plaintiff in O.S.No.488 of 2017. The said suit was filed for declaration and permanent injunction. Pending suit, I.A.No.1115 of 2018 has been filed by the petitioner and the respondents 1 and 2 to reject the plaint. Since the said I.A., is pending for enquiry without any progress, the petitioner has come up with the present petition.

3. The learned counsel for the petitioner would submit that the 5th respondent filed the suit in the year 2017 and the 1st respondent filed I.A.No.1115 of 2018 to reject the plaint. The petitioner and the respondents 1 and 3 have filed the counter to the said I.A., in the year 2021. Thereafter, the matter was posted for enquiry and the same is pending without any progress till date, therefore, seeks for early disposal.

4 Considering the submissions of the learned counsel for the petitioner and taking note of the fact that the suit is pending from the year 2017 and the I.A., is pending from the year 2018 and coupled with the fact that the counter to the said I.A., was filed in the year 2021 and the matter is pending for enquiry without any progress, this Court is inclined to direct the learned Additional Subordinate Judge, Kallakurichi to take up the I.A.No.1115 of 2018 and pass appropriate orders, as per the procedure established under Law, as expeditiously as possible, preferably within a



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period of six months from the date of receipt of a copy of this order.

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In view of the above, the present Revision is disposed of. No costs.

22.08.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

The Additional Sub Court,

Kallakurichi



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V.BHAVANI SUBBAROYAN J.

ssd

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