



C.R.P. No. 2914 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2914 of 2023

K.C. Sundaravadivel

...Petitioner

.Vs.

1.A. Jagadambal

2.C. Thulasimani

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned V Additional District Judge, Coimbatore to dispose off the I.A.No.5 of 2022 in O.S.No.278 of 2018 within the time limit fixed by this orders.

For Petitioner : Mr. L. Mouli



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ORDER

This petition is filed to issue a direction to direct the learned V Additional District Judge, Coimbatore to dispose off the I.A.No.5 of 2022 in O.S.No.278 of 2018.

2. The facts of the case is that the subject property is the ancestral one and a suit is filed by the first respondent herein in O.S.No.278 of 2018 for partitioning the subject property. However, the plaintiff/ first respondent herein remained absent, as a result of which the learned Judge dismissed the suit for default on 23.02.2022 and to restore the same, the first respondent herein filed I.A.No.5 of 2022 in O.S.No.278 of 2018. The grievance of the petitioner who is the second respondent in the I.A.No.5 of 2022 in O.S.No.278 of 2018 and there was no progress in the said I.A even after a period of 5 years. Hence, this petition.

3. The learned counsel for the petitioner submitted that inspite of the fact that the petitioner herein has given “ No Objection to allow the I.A filed for restoration of the suit, the case was adjourned continuously. Hence



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prays to allow this petition.

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4. In view of the above, the learned V Additional District Judge, Coimbatore is directed to dispose of the I.A.No.5 of 2022 in O.S.No.278 of 2018 after taking into account the pendency of cases in the Court.

5. With the above directions, this Civil Revision Petition is disposed of. No order as to costs.

22.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The V Additional District Judge, Coimbatore.



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V.BHAVANI SUBBAROYAN,J.
Smn

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