



CRP(MD).No.506 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.506 of 2023

K.Johnson

.. Petitioner/2nd Defendant

Vs.

1.Amalan John Selvasingh

...1st Respondent/Plaintiff

2.K.Samuvel

.. 2nd Respondent/1st Defendant

3.Josepin Vijaya Sarumathi

.. 3rd Respondent/3rd Defendant

... Respondents/Respondents/Respondents/Defendants

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to expedite the trial in O.S.No.154 of 2021 on the file of the Principal District Court, Tuticorin.

For Petitioner : Mr.M.Benazir Begum

ORDER

The present revision petition has been filed seeking expeditious disposal of O.S.No.154 of 2021 pending on the file of the Principal District Court, Tuticorin.

2. The said suit has been filed for the relief of specific performance of an agreement dated 16.10.2016 or in the alternative, for refund of the advance amount.



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3. According to the learned counsel appearing for the revision petitioner/second defendant, the first defendant is in collusion with the plaintiff and has taken several adjournments for filing a written statement from January-2022 onwards. The defendants 2 and 3 have filed their written statement on 28.03.2022. The case is being adjourned for filing of the written statement of the first defendant for the past one year. Therefore, the present revision petition has been filed seeking for expeditious disposal of the suit.

4. Considering the fact that the pleadings are yet to be completed, this Court is not inclined to direct the trial Court to expedite the suit. However, the trial Court shall keep in mind the proviso to Order 8 Rule 1 of the Code of Civil Procedure for granting any further adjournment to the first defendant for filing written statement. Unless reasons are recorded, further adjournment shall not be granted to the first defendant for filing written statement.

5. With the above observation, the Civil Revision Petition stands disposed of. No costs.

28.02.2023

Index : Yes / No
Internet : Yes / No
Rmk



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To
The Principal District Judge, Tuticorin.

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R.VIJAYAKUMAR ,J.,

Rmk

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