



CRP(PD)(MD)No.2092 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2092 of 2022

P.Baby @ B.Baby

... Petitioner

Vs

Hajee Moosa Omar

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to direct the learned VI Additional District Judge, Madurai to dispose of the suit in O.S.No.121 of 2018, within the time prescribed by this Court.

For Petitioner : Mr.K.Govindan
For Respondent : Mr.A.Arumugam
For M/s.Ajmal Associates

ORDER

This Civil Revision Petition is filed for an early disposal of the suit in O.S.No.121 of 2018, on the file of the VI Additional District Court, Madurai, within the time prescribed by this Court.



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2.The learned counsel appearing for the petitioner submits that the respondent/plaintiff filed the above suit for specific performance in the year 2018. Pleadings have also been completed on 25.07.2018 and the issues have also been framed. However, the plaintiff has not adduced his evidence and adjournments are periodically taken that the respondent/plaintiff is in America. Therefore, the defendant has approached this Court seeking a direction for early disposal of the suit in O.S.No.121 of 2018.

3.On 21.11.2022, when this Civil Revision Petition was listed, the learned counsel appearing for the respondent/plaintiff submitted that the plaintiff was taking treatment at America and therefore, the plaintiff has proposed to settle the issue and also requested this Court to refer the matter for mediation. Based on the request made on behalf of the plaintiff, this Court appointed Mr.P.T.S.Narendra Vasan, a Senior Member of the Bar, as a Mediator. However, it appears that the mediation has not effected any result.



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4.Considering the facts and circumstances of the case, the age of the proceedings and the fact that the respondent/plaintiff is in America for the purpose of taking treatment, this Civil Revision Petition stands disposed of, with a direction to the trial Court to proceed with the trial, by permitting the plaintiff to give evidence either in person or through video-conferencing and to dispose of the suit in O.S.No.121 of 2018, within a period of six months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is disposed of. No costs.

30.01.2023

Index : Yes / No.

Internet : Yes / No.

vrn/gk

To

The VI Additional District Court, Madurai

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vrn/gk

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