



C.R.P.(MD)No.2655 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 13.10.2023

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**C.R.P.(MD)No.2655 of 2023**

M.Abubaker Sidiq

... Petitioner/  
1<sup>st</sup> Defendant

Vs.

1. M.Kudhus Mohaideen

... 1<sup>st</sup> Respondent/  
Plaintiff

2. U.Noordeen

... 2<sup>nd</sup> Respondent/  
2<sup>nd</sup> Defendant

**Prayer :** This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Court, Uthamapalayam to expedite trial and dispose the O.S.No.174 of 2017 within a time limit that may be fixed by this Court.

For Petitioner : Mr.K.Dinesh

**ORDER**

The Civil Revision Petition has been filed seeking a direction to dispose of the suit in O.S.No.174 of 2017, pending on the file of the Sub Court, Uthamapalayam.



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2. Since the revision petition is filed for early disposal of the case, the issuance of notice to the respondents is not necessary.

3. The learned counsel appearing for the revision petitioner would submit that the first respondent has filed a suit against the revision petitioner and the second respondent for specific performance and the same is pending in O.S.No.174 of 2017 and that when the suit was posted for trial, the first respondent has filed an application in I.A.No.1 of 2021 for appointment of Advocate Commissioner and the same is pending without any progress. He would further submit that the first respondent is purposely dragging on the case since 2017.

4. Considering the above facts and circumstances and also taking note of the fact that the commission petition is pending for the past two years, the learned Subordinate Judge, Uthamapalayam, is hereby directed to conduct enquiry in the commission petition in I.A.No.1 of 2021 in O.S.No.174 of 2017 and dispose of the same within a period of one month from the date of receipt of copy of this order and to complete the trial in O.S.No.174 of 2017 and dispose of the same within a period of six months thereafter.



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5. With the above direction, this Civil Revision Petition is allowed.

No costs.

**13.10.2023**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
csm

**To**

1. The Subordinate Court,  
Uthamapalayam.
2. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

**Order made in**  
**C.R.P.(MD)No.2655 of 2023**

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