



Crp No.305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.305 of 2024

Suresh

... Petitioner

Vs.

1. S.Kannabiran
2. L.R.Sivaprasad

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned Additional District Munsif, Poonamallee to dispose of the suit in O.S.No.486/2018, within a stipulated time frame, fixed by this Court.

For Petitioner : Ms.R.Meenakshi devi

ORDER

This Civil Revision Petition has been filed to direct the learned Additional District Munsif, Poonamallee to dispose of the suit in O.S.No.486/2018, within a stipulated time frame, as fixed by this Court.

2. A perusal of the records shows that the petitioner herein is the



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second defendant in the above said suit in O.S.No.486/2018 and the first respondent herein has filed said suit for permanent injunction restraining the defendants 1 and 2 from trespassing or encroaching with the peaceful possession and enjoyment of the suit property by him.

3. It is the contention of the petitioner that, he acquired ownership from the second respondent herein/first defendant, vide document No.1686/2020, dated 03.02.2020. Pending suit, he filed a petition to implead himself and it was allowed, thereby he has been arrayed as second defendant in that suit. Subsequently, he was set exparte on 21.09.2023 and to set aside the exparte order, he filed an application in I.A.No.2/2023 and the same is now pending for filing counter. According to the petitioner, he is unable to take possession of the property, in view of the filing of the suit and hence, prayed for direction to the Trial court to dispose of the above suit, within a time frame.

4. At this juncture, it is worthwhile to note that the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra*** has dismissed the writ petition, by observing as follows.

“ We are of the view that since every High Court and every Court in



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the country has a huge pendency, the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case, before any court, unless the situation is extra ordinary.”

5. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the Additional District Munsif, Poonamallee is 481.

6. Considering the pendency of the cases and also taking note of the fact that the suit is pending from the year 2018 for bare injunction, the learned Additional District Munsif, Poonamallee is directed to dispose of the O.S.No.486/2018, within four months, from the date of receipt of a copy of this order.

7. With the above direction, the Civil Revision Petition is disposed of.

No costs.

13.02.2024.

Index:Yes/No
Internet:Yes/No
mst

To

The Additional District Munsif, Poonamallee.



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V.SIVAGNANAM, J.

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