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C.R.P.No.1813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1813 of 2024

S.Suganya

... Petitioner

Vs.

D.Krishnamurthy

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the XXIV Assistant Judge City Civil Court, Chennai for speedy disposal of the O.S.No.4266 of 2019 on the file of XXIV Assistant Judge City Civil, Chennai.

For Petitioner : Mr.P.Sidharthan

For Respondent : Mr.M.Sudhan

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned XXIV Assistant Judge City Civil Court, Chennai to dispose of O.S.No.4266 of 2019 as expeditiously as possible within the stipulated time.



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2. The petitioner/plaintiff filed a suit in O.S.No.4266 of 2019 for recovery and damages, before the learned XXIV Assistant Judge City Civil Court, Chennai. The said suit was kept pending from the year 2019 without any progress. In this case, evidence of the P.W.1 was commenced from 09.03.2021 and chief examination was completed on 24.09.2021. Thereafter, the case was posted for cross examination. Since the defendant failed to cross examine P.W.1, the evidence was closed. However, the defendant has filed the petition to reopen the evidence of P.W.1. Therefore, the petitioner filed this Civil Revision Petition, seeking direction to dispose of the case within a stipulated period.

3. The learned counsel for the petitioner submitted that the suit was filed in the year 2019 and for one reason or other it has been kept pending. He further submitted that the evidence of PW-1 commenced from 09.03.2021



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and cross examination was posted from 07.10.2021. Thereafter, despite P.W.1 appeared in the Court on 28.04.2022, 14.07.2022 and 28.07.2022 for cross examination, the respondent had not chosen to cross examine her and hence the evidence was closed on 14.02.2023. Thereafter, the case was posted for defendant's side evidence and it was periodically adjourned. In the meanwhile, the respondent filed a counter claim in I.A.No.5 of 2023 and citing the said IA, the case was adjourned and thereafter the said I.A.was withdrawn.

4. The learned counsel for the respondent submitted that the petitioner / plaintiff, before cross examining P.W.1 in detail, the evidence was closed on 14.02.2023. He further submitted that the Court was closed for two years from March 2021 to October 2022, on account of COVID-19, Pandemic and thereafter the erstwhile counsel passed away and the present counsel is following the case. He further submitted that the case was posted



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on 05.07.2024 for defendant's side evidence and undertook that the respondent will co-operate for the same.

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5. Heard both sides. Perused the records.

6. Considering the submission made by the learned counsel appearing on either side, this Court directs the Trial Court (the learned XXIV Assistant Judge City Civil Court, Chennai) to complete the defendant's side evidence in O.S.No.4266 of 2019, including the receiving of documents, within a period of two months from the date of receipt of a copy of this order and said suit shall be disposed of within a period of one month thereafter.

7. With the above directions, this Civil Revision Petition is disposed of. No costs.

25.06.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The XXIV Assistant Judge City Civil Court,
Chennai.



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M.NIRMAL KUMAR, J.

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