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C.R.P.No.2008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2008 of 2024

Gokula Rao

... Petitioner/
Party-in-person

Vs.

- 1.Janardhanan
- 2.Srinivasan
- 3.Udhaya
- 4.Nirmala
- 5.Priya
- 6.Vani
- 7.Prasanna
- 8.Mala
- 9.Renuka Devi
- 10.Anitha
- 11.Hari Prasad
- 12.Balakrishnan
- 13.Suryakumari
- 14.Aishwarya
- 15.Suganya
- 16.Saranya
- 17.Indhumathi
- 18.Aparna
- 19.Jai



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20.Venkatesh

21.Pushpakantha

22.Babu Pughazendi

23.Logeswaran

24.Murugavel

25.E.Ramu

26.E.Ethiraj

27.The Sub Registrar,

North Joint 1,

No.1, Moorthykal Lane,

Chennai – 600 001.

28.The Sub Registrar,

Sriperumbudur Road,

Walajabad – 631 605.

29.The District Collect,

62, Rajaji Salai, Fourth Floor,

Chennai, Tamil Nadu – 600 001.

30.The District Collector,

I Floor, Collectorate,

Kancheepuram – 631 501.

[respondents 3 to 30 were set exparte
before the trial Court].

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the learned Additional Subordinate Judge at Combined Courts of Kanchipuram to dispose of the O.S.No.162 of 2020 as expeditiously as possible within the stipulated time frame.

For Petitioner : Mr.N.Gokula Rao



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ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Additional Subordinate Judge at Combined Courts of Kanchipuram to dispose of O.S.No.162 of 2020 as expeditiously as possible within the stipulated time.

2.The petitioner/plaintiff has filed a suit in O.S.No.162 of 2020 for declaration and permanent injunction before the learned Additional Sub Judge, Kanchipuram.

3.The contention of the petitioner is that the suit was filed on 15.09.2020 and registered on 28.09.2020. Thereafter, at the stage of Process, it was kept pending till 17.08.2021. Thereafter from 11.11.2021 to 21.07.2022, it was kept pending for filing written statement. The respondents were set ex-parte and the case was posted for recording ex-parte evidence from 04.08.2022 to 15.10.2022. Though the petitioner/plaintiff is ready, for



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one reason or other, the suit was periodically adjourned. The respondents 1 and 2 filed I.A.Nos.1 and 2 of 2022 seeking to reject the plaint and to set aside the ex-parte order dated 08.03.2022 passed against this respondents. I.A.No.1 of 2022 was dismissed on 21.09.2023 and I.A.No.2 of 2022 was allowed on 09.12.2022. Thereafter the suit was posted for filing written statement by D1 and D2 from 12.10.2023 to 30.01.2024. In this case, though there are 30 respondents, the contesting respondents are D1 and D2 and others were set ex-parte. After rejection of plaint, petition dismissed, D1 and D2/respondents 1 and 2 filed their written statement and the case was posted on 15.02.2024 for framing issues and thereafter got periodically adjourned to 29.02.2024, 19.03.2024, 02.04.2024, 06.06.2024 and 02.07.2024 and issues are yet to be framed.

4.Since it is only a limited prayer seeking direction to dispose of the case within the stipulated period, notice to the respondents not required.

Hence, notice to the respondents dispensed with.



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5.It is seen that the suit was filed in the year 2020 and for the past four years for one reason or other it has been kept pending. I.A.No.1 of 2022 was dismissed on 21.09.2023 and thereafter it is almost nine months and the case is still pending at the stage of framing of issues. The contention of the petitioner is that the petitioner has to travel around 160 kms., covering both directions for each hearings and the case is mechanically adjourned without any valid reason.

6.It is now submitted that the petitioner proposed to examine himself alone as witness. In view of the same, this Court directs the trial Court (Additional Subordinate Judge at Combined Courts of Kanchipuram) to complete the trial and dispose of the case in O.S.No.162 of 2020 within a period of six months from the date of receipt of a copy of this order.



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M.NIRMAL KUMAR, J.

rsi

7. With the above directions, this Civil Revision Petition is disposed

of. No costs.

13.06.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

rsi

To

The Additional Subordinate Judge,
Kanchipuram.

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