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C.R.P.No.2413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2413 of 2024

J.Jageer Usain

... Petitioner

Vs.

A.Subramaniyan

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to issue direction directing the II Additional Principal District Court, Salem to dispose of the case in O.S.No.384 of 2020 within the time frame fixed by this Court.

For Petitioner : Mr.A.Saravanan

ORDER

This revision petition has been filed seeking a direction to the II Additional Principal District Court, Salem to dispose of the case in O.S.No.384 of 2020 within a time frame as fixed by this Court.



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2.The petitioner/landlord filed a suit in O.S.No.384 of 2020 seeking recovery of possession and injunction against the respondent/defendant. The respondent was a tenant under the erstwhile landlord of the petitioner. The petitioner purchased the suit schedule property from one K.Vijaya. At that time, the respondent agreed that he would vacate the suit schedule property and hand over possession. Thereafter, he failed to do so. Hence, the petitioner filed the above suit seeking recovery of possession. The respondent/defendant filed I.A.No.1 of 2020 for rejection of plaint, which was dismissed and it reached finality. For non-filing of written statement within the stipulated period, the respondent was set ex-parte in the suit. Thereafter, the respondent filed I.A.No.4 of 2023 to set aside the ex-parte order, which was allowed on 02.03.2024 and thereafter, filed I.A.No.3 of 2024 making counter claim and the suit was posted on 15.06.2024 for framing of issues. Thereafter it was periodically adjourned without much progress.



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3.Since it is only a limited prayer seeking direction to dispose of the O.S.No.384 of 2020 within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

4.The learned counsel for petitioner made his submissions and produced the E-Court proceedings. From the E-Court proceedings it is seen that the suit is pending from the year 2020. Thereafter, due to Covid-19 situation, it was adjourned for some time. The respondent/defendant filed a petition for rejection of plaint, which was dismissed. Thereafter, the respondent was set ex-parte for non filing of the written statement within time and thereafter on several occasions, the trial Court adjourned the case from 23.11.2023 as no further adjournment. Later, the respondent filed interim application to set aside the ex-parte order and the same was allowed. Now the suit is at the stage of framing of issues.



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5.In view of the above factual position, this Court directs the trial Court (II Additional District Court, Salem) to dispose of the case in O.S.No.384 of 2020 within a period of six months from the date of receipt of a copy of this order.

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

01.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The II Additional District Judge,
Salem.



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M.NIRMAL KUMAR, J.

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