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C.R.P.No.2274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2274 of 2024

1.T.Gandhi

2.G.Saraswathi

... Petitioners

Vs.

1.C.Jothi

2.Baragath Nisha

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the learned Additional District Judge at Kancheepuram to dispose the suit in O.S.No.18 of 2018 on the file of learned Additional District Judge at Kancheepuram, as the time frame fixed by this Court in accordance with law.

For Petitioner : Mr.M.Kamaraj

ORDER

The petitioners/plaintiffs in O.S.No.18 of 2018 have filed this revision seeking to dispose of the suit within a time frame.



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2.The petitioners have filed a suit in O.S.No.18 of 2018 seeking to direct the respondents to quit and deliver vacant possession of the suit property.

3.The case of the petitioners is that the petitioners/plaintiffs purchased the suit property by way of sale deed dated 09.12.2016 registered as Document No.17712 of 2016 on the file of SRO, Kundrathur for a sale consideration of Rs.48,00,000/- and the sale consideration was paid through Bank. Immediately after the registration of sale deed, the petitioners had requested the defendants to vacate the tenancy of the property. The defendants sought three months time to hand over the vacant possession but they failed to do so. Hence, the above suit filed. In the suit, the petitioners/plaintiffs' evidence is complete and the case was posted for cross examination of the respondents/defendants. The respondents not cross examined the petitioners, on the other hand, they have been filing interim applications one after the other. Now I.A.No.4 of 2023 is pending. The suit is



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pending in the District Court for more than six years and at the stage of trial pending for two years. The District Judge granting adjournments at the asking of the respondents. Hence, the petitioners have filed the above revision.

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

5.Considering the submissions made and on perusal of the adjudication it is seen that the suit is of the year 2018. Thereafter at the stage of trial, it has been kept pending for nearly two years. Now, I.A.No.4 of 2023 has been filed by the second respondent to recall and reopen the evidence of PW1 and the same is kept pending for enquiry. The petitioners/plaintiffs have got no objection to recall and reopen of PW1. In such circumstances keeping the I.A. for enquiry is waste of time.



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M.NIRMAL KUMAR, J.

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6.Since the petitioners/plaintiffs have got no objection to recall and reopen the evidence of PW1, the trial Court is directed to allow the I.A.No.4 of 2023, proceed with the trial and complete the trial within a period of three months from the date of receipt of a copy of this order.

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

24.06.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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Note: Issue order copy on 26.06.2024.

To

The Additional District Judge,
Kancheepuram.

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