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C.R.P.No.2745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2745 of 2024

M.Muthukrishnan

... Petitioner

Vs.

1.Sekar

2.Suresh

3.Vanaja

4.Karuppasami

5.The Branch Manager,

Housing Development Finance Corporation Ltd.,

2nd Floor, ITC Centre, 760 Anna Salai,

Chennai – 2.

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to issue direction to the learned I Additional District and Sessions Judge, Thiruvallur to dispose of the suit in O.S.No.354 of 2023 within the time frame.

For Petitioner : Mr.G.Mageshkumar



C.R.P.No.2745 of 2024

ORDER

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This revision has been filed seeking a direction to the I Additional District and Sessions Judge, Thiruvallur to dispose of the suit in O.S.No.354 of 2023 within a time frame.

2.The petitioner/plaintiff filed a suit in O.S.No.354 of 2023 for declaration to declare the Power of Attorney dated 17.11.2017 in Doc.No.10242/2017 executed by the plaintiff's father Muniyasamy in favour of the first defendant/first respondent herein as null and void, to declare the Sale Deed dated 19.07.2018 in Doc.No.8494/2018 executed by the first defendant in favour of second defendant as null and void, to declare the Memorandum of Deposit of Title Deeds dated 20.07.2018 in Doc.No.8521/2018 executed by the second defendant in favour of the fifth defendant/fifth respondent herein as null and void and for other consequential reliefs.



C.R.P.No.2745 of 2024

WEB COPY

3.In the said suit, the respondents/defendants were served with summons and written statement of defendants 1, 2 and 3 filed and 4th defendant set ex-parte and 5th defendant/Bank requested for time. The 5th defendant/Bank set ex-parte on 12.01.2024 for non filing of written statement and the case was posted for framing of issues on 02.02.2024. Thereafter, it was adjourned to 08.02.2024, 08.03.2024, 13.03.2024, 10.04.2024, 26.04.2024, 15.06.2024 and 19.08.2024 but issues are yet to be framed. In the meanwhile, the 5th defendant/Bank issued a Possession Notice for the suit property on the premise that one Sekar, Vanaja and Karuppasami executed MOD in favour of the Bank. The petitioner on coming to know about the same, approached the Debts Recovery Tribunal, Chennai and filed I.A.No.950 of 2024 seeking stay of further action pursuant to the Possession Notice. The Debts Recovery Tribunal, by order dated 19.06.2024, finding that already civil suit filed by the petitioner on 17.07.2023 in O.S.No.354 of 2023 pending before the Principal District Judge, Thiruvallur and the 5th defendant/Bank is also a party to the suit, ordered status-quo with regard to



C.R.P.No.2745 of 2024

Item No.1 of the Possession Notice, which is under challenge before the Debts Recovery Tribunal. This protection was granted till 02.09.2024. In view of the same, it has become necessary for the petitioner to obtain an order in the civil suit, which is pending for long time from 02.02.2024 to till date at the stage of framing of issues. The next hearing date of the suit is on 19.08.2024. The protection order obtained by the petitioner is only up to 02.09.2024. Hence, the petitioner filed the above revision.

4.Since it is only a limited prayer seeking direction to dispose of O.S.No.354 of 2023 within the stipulated period, notice to the respondents not required. Hence, notice to the respondents dispensed with.

5.Considering the submission made by the learned counsel for petitioner and on perusal of the on-line status report and the order of Debts Recovery Tribunal, it is seen that the case is now at the stage of issues. The outcome of the suit will have a direct bearing on the petitioner's property



C.R.P.No.2745 of 2024

against which, already the 5th respondent/Bank issued Possession Notice,
which is under challenge before the Debts Recovery Tribunal.

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6.In view of the same, this Court directs the trial Court
(I Additional District and Sessions Court, Thiruvallur) to dispose of
O.S.No.354 of 2023, within a period of four months from the date of receipt
of a copy of this order.

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

26.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The I Additional District and Sessions Judge,
Thiruvallur.

Note: Issue order copy on 29.07.2024.



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C.R.P.No.2745 of 2024

M.NIRMAL KUMAR, J.

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C.R.P.No.2745 of 2024

26.07.2024