

CIVIL APPELLATE JURISDICTION

D. THIRUGNANASAMBANDAM & ANR.

VERSUS

**M/S AUROMIRA PARTNERSHIP FIRM,
REP. BY ITS MANAGING PARTNER & ORS.**

ORDER

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3) It is not in dispute that the suit is of the year 2011. Initially, the Respondent No. 1 – Defendant No. 7 filed C.R.P (PD) No. 742 of 2017, wherein on account of pendency of the suit from five years the High Court *vide* order dated 20.03.2017 directed the Principal District Judge, Coimbatore to decide the suit on merits within a period of six months and take note of all the issues as raised. Thereafter, Respondent No.1 filed the application under Order VII Rule 11 of CPC being I.A. No. 273 of 2017 again, which was rejected by the Trial Court. In revision, the same was allowed by the High Court. Hence, the present appeal has been preferred by the plaintiffs and their legal representatives.

4) Having considered the submissions as advanced before us and the material placed, we note that the suit was instituted in 2011. The application under Order VII Rule 11 of the CPC came to be filed after six years of its filing and as of now 15 years have already elapsed. In these circumstances, the rejection of the plaint is unjustified, and accordingly, the impugned order of the High Court stands set aside.

5) At this stage, Shri P.V. Yogeswaran, learned counsel appearing on behalf of Respondent Nos. 8 and 9, contends that he had filed suit viz., OS No. 509 of 2016 which is pending before the I Additional District Judge, Coimbatore and relates to the same property. Considering the same, we are constrained to observe that the concerned District Judge shall assign both the suits to a Judge who is competent to decide both the suits and they be tried analogously. Parties are directed not to take unnecessary adjournments.

6) Since these suits are pending since 2011 and 2016 respectively, we further direct that pleadings be completed within one month, if not already completed. Thereafter, evidence be adduced within nine months and the case be decided within one year from the date of appearance of the parties, and not later than 30.04.2027.

7) The parties are directed to appear before the concerned District Judge on 20.04.2026.

8) It is needless to observe that all contentions as raised in the present case are left open to be raised by the parties along with those on merits of the case.

9) Accordingly, the civil appeal is disposed of.
Pending application(s), if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
March 23, 2026.

ITEM NO.45

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No. 13441/2021

[Arising out of impugned final judgment and order dated 28-04-2021 in CRPPD No. 556/2018 passed by the High Court of Judicature at Madras]

D. THIRUGNANASAMBANDAM & ANR.

Petitioner(s)

VERSUS

S. RAMANAN (DIED) M/S AUROMIRA PARTNERSHIP FIRM,
REP. BY ITS MANAGING PARTNER & ORS.

Respondent(s)

(IA No. 73297/2024 - APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT and IA No. 73294/2024 - APPLICATION FOR SUBSTITUTION and IA No. 108306/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 108308/2021 - EXEMPTION FROM FILING O.T. and IA No. 73296/2024 - SETTING ASIDE AN ABATEMENT)

Date : 23-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Mrs. V Mohana, Sr. Adv.
Mr. B Ragunath, Adv.
Mrs. Udhaya Ps Menon, Adv.
Mr. Vijay Kumar, AOR

For Respondent(s) :

Mr. Abhinav Mukerji, Sr. Adv.
Ms. Archita Nigam, Adv.
Ms. Khushboo Hora, Adv.
Ms. Purnima Krishna, AOR
Ms. Bihu Sharma, Adv.
Mr. M. F. Philip, Adv.
Mr. Togin M. Babichen, Adv.

Mr. P. V. Yogeswaran, AOR
Mr. Ashish Kumar Upadhyay, Adv.
Mr. V. Kandha Prabhu, Adv.

Ms. Maitri Goal, Adv.
Ms. Dhatri Singh, Adv.
Mr. Guneswaran Pv, Adv.
Mr. K Velmurugan,, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1) Delay condoned. Abatement set aside. Application for substitution to bring on record the legal representatives of deceased respondent No.3 is allowed.
- 2) Leave granted.
- 3) The civil appeal is disposed of in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]