



C.R.P.(MD) No.2276 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.R.P.(MD) No.2276 of 2023**

M.Pitchaimuthu

... Petitioner

Vs.

1.M.Muthumalai

2.Padmapriya

3.Minor Muthumalai @ Akshaya

4.Minor Arul

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India to direct the District Munsif Court, Tiruchendur to dispose the suit in O.S.No.61 of 2020 within a time stipulated by this Court.

For Petitioner : Mr.M.Sam Eugene Jebakumar

### **ORDER**

This Civil Revision Petition has been filed by the petitioner for speedy disposal of O.S.No.61 of 2020 on the file of the District Munsif Court, Tiruchendur.



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2. Since this Civil Revision Petition filed by the petitioner is only for speedy disposal of the suit, notice for the respondents is not required and is therefore dispensed with.

3. The above suit in O.S.No.61 of 2020 was filed by the petitioner/plaintiff for recovery of possession of the suit property from the respondents/defendants. It is submitted that the first respondent/first defendant and the petitioner/plaintiff are the brothers and the other respondents/defendants are the wife and children of the first respondent/first defendant. It is the case of the petitioner/plaintiff that the suit property was acquired by the petitioner's/plaintiff's father and he put up constructions in the suit property. The petitioner's/plaintiff's father executed a Settlement Deed dated 03.05.2018 in favour of the petitioner/plaintiff and thereafter, the petitioner/plaintiff took possession of the suit property.

4. It is submitted that due to the financial hardships faced by the first respondent/first defendant, the petitioner/plaintiff permitted the first respondent/first defendant to occupy the 1<sup>st</sup> Floor of the suit property, but, the first respondent/first defendant misused the permission given by the petitioner



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and started to commit illegal acts so as to cause wrongful loss to the petitioner/plaintiff and damages to the suit property. Therefore, the petitioner/plaintiff asked the respondents/defendants to vacate the suit property, but, they refused. Thus, the petitioner/plaintiff filed the suit in O.S.No.61 of 2020 before the District Munsif Court, Tiruchendur for recovery of possession of the suit property from the respondents/defendants.

5. It is submitted that the first respondent/first defendant filed his Written Statement on 11.03.2021 and the same was adopted by the other respondents/defendants on 16.12.2022. However, till date, no issues were framed by this Court. It is submitted that in the mean time, the respondents/defendants vacated the suit property 1 ½ years back by locking the suit property and taking the key with them. It is further submitted that the petitioner/plaintiff is residing with his aged parents in the ground floor of the suit property which is getting dilapidated every day and the petitioner/plaintiff is not able to repair or maintain the property due to the act of the respondents/defendants in not handing over the suit property to the petitioner/plaintiff and the same is causing risk to the petitioner/plaintiff.



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6. It is submitted that the respondents/defendants are taking adjournments stating one or other reasons and therefore, the petitioner/plaintiff approached this Court for speedy disposal of the suit.

7. Considering the above facts and circumstances of the case, the learned District Munsif, Tiruchendur is directed to expedite the trial and dispose the suit in O.S.No.61 of 2020, without giving any unnecessary adjournments, preferably, within a period of 4 months from the date of receipt of a copy of this order.

8. Accordingly, this Civil Revision Petition is disposed of. No cost.

11.09.2023

Internet : Yes/No

NCC : Yes/No

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To

The District Munsif, Tiruchendur.



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**K.GOVINDARAJAN THILAKAVADI, J.**

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