

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2015

C O R A M

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

CRP.PD.No.1095 of 2015

Farida ... Petitioner / Defendant

Vs.

S.Kalamani ... Respondent / Plaintiff

U.Shaukath Ullah (Deceased) ... Respondent / Defendant

PRAYER : Revision Petition is filed under Article 227 of the Constitution of India to issue direction to the trial court to dispose of the suit bearing O.S.No.411 of 2010 pending on the file of the District Munsif Court, Tiruppur within a time frame.

For Petitioner : Mr.Rajendrakumar

ORDER

This revision is filed for a direction for disposal of suit in O.S.No.411 of 2010 pending on the file of District Munsif Court, Tiruppur within a time frame.

2. The petitioner is the second defendant in O.S.No.411 of 2010 on the file of Principal Sub Court, Tiruppur. Originally, the suit was filed before the Additional District Munsif, Tiruppur in O.S.No.227 of 2006 and after transfer, it was re-numbered as O.S.No.66 of 2008 and presently as O.S.No.411 of 2010. It is seen that the first respondent had instituted the suit against the petitioner and her husband Shaukathullah for declaration and consequential permanent injunction.

3. Mr.Rajendrakumar, learned counsel for the petitioner submitted that the petitioner and her husband have filed the written statement and additional written statement in the year 2008 and 2009 and after framing necessary issues, the suit was posted for trial and the plaintiff was also examined as PW1. Subsequently, the suit was allowed to be dismissed for non-payment of additional court fee, as determined by the trial court. Thereafter, the suit was restored to file and PW2 was examined. At that juncture, the first defendant died on 20.04.2012. Despite furnishing of intimation to the trial court and the learned counsel for the respondent to bring the legal representatives of the first defendant on record, the plaintiff did not take steps and in the meanwhile, one of the daughters of the first defendant namely Ayesha Rumaisa died on 15.10.2013.

4. The learned counsel further submitted that the death of the daughter of the first defendant was also intimated and inspite of same, for more than 2½ years, the plaintiff has not taken steps to implead the LR's and to contest the suit. The learned counsel further submitted that speedy trial is a fundamental right and the parties to the proceeding should co-operate with the trial and no one can be allowed to drag on the matter by abusing the process of court.

5. Considering the facts of the case and the submissions made by the learned counsel for the petitioner, the Additional Sub Court, Tiruppur is directed to dispose of the suit in O.S.No.411 of 2010, as expeditiously as possible, preferably, on or before 31.07.2015.

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

17.03.2015

Index : Yes/No
rgr

To
The District Munsif,
Tiruppur.

K.KALYANASUNDARAM, J.

rgr

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