

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.1310 OF 2015

1.Tiruvarur Lions Eye Hospital Trust
A Public Charitable Trust
Rep. By its Author, Founder and Trustee
S.M.Miskeen S/o. Mohamed Sultan
White House, 55A,
South Main Road, Tiruvarur.

2.S.M.Miskeen

... Petitioners

Vs.

1.P.S.Rajkumar
2.Dr.J.Gopalakrishnan
3.G.Manoharan
4.T.A.Munawardeen
5.Sharfudeen
6.R.Annamalai
7.N.Ravikumar
8.V.Kothandaraman
9.Thenmozhi Manoharan
10.Indumathi Gopalakrishnan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India seeking early disposal of the first appeal A.S.No.1 of 2012 on the file of the District Court, Tiruvarur.

For Petitioners : Mr.C.Jagadish

ORDER

Heard the submissions made by Mr.C.Jagadish, learned counsel for the petitioners and perused the materials available on record.

2.This Civil Revision Petition is filed praying for a direction to dispose of first appeal in A.S.No.1 of 2012 pending on the file of the District Court, Tiruvarur in a time frame.

3.The petitioners had instituted the suit in O.S.No.18 of 2010 against the respondents before the Sub Court, Tiruvarur for authorising the second plaintiff / second petitioner to widen the main objects of the Trust and enabling him to enter into an M.O.U with any one of the reputed eye hospitals functioning in Tamil Nadu for better facility and for other relief. After trial, the suit was dismissed on 18.11.2011. Aggrieved by the judgment and decree, the petitioners had preferred an appeal in A.S.No.1 of 2012 before the District Court, Tiruvarur.

4.Mr.C.Jagadish, learned counsel for the petitioners submitted that the second petitioner is a senior citizen of aged about 86 years and the appeal is being adjourned from 2012 without any justifiable reason. It is further

submitted that in view of the pendency of the appeal, the respondents have also taking adjournments in O.S.No.10 of 2012 filed by them before the same Court. The learned counsel further submitted that the delay in disposal causes mental agony and hardship to the petitioners.

5.Considering the facts of the case and the submissions of the learned counsel for the petitioners, the learned District Judge, Tiruvarur is directed to dispose of A.S.No.1 of 2012, on merits and in accordance with law, as expeditiously as possible, preferably on or before 31.07.2015.

6.This Civil Revision Petition is disposed of with the above direction. No costs.

27.03.2015

Index : Yes/No
Internet : Yes/No
TK

To

The District Court
Tiruvarur.

K.KALYANASUNDARAM, J.
TK

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