



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.DEVADASS

C.R.P (MD) No.1752 of 2015

T.Paneer Selvam

.. Petitioner/Plaintiff

-vs-

1.Kamatchiammal

2.Ramalingam

3.The Commissioner,
Palani Municipality,
Palani Town,
Dindigul District.

4.The Thasildar,
Palani Taluk,
Palani,
Dindigul District.

.. Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the District Munsif, Palani to dispose of the proceedings in I.A.No.798 of 2015 in O.S.No.96 of 2009 within a stipulated time fixed by this Court.

For Petitioner : Mr.G.Aravinthan

ORDER

1. As only a short point is involved, we shall dispose of the Civil Revision Petition today at the admission stage itself.

2. In I.A.No.798 of 2015, which has been filed to withdraw the suit and also with a liberty, notice has been given to the other side and opportunity to file his counter has been given to the other side.

3. Permit to withdraw the suit is routine, when some special reasons are there. The problem arises only when liberty to come back to the Court again in the same course of action. It can be given, when the suit will fail for some formal defect or there are sufficient reasons to give such liberty. Now, the I.A is posted to

01.08.2015 for counter and disposal on 01.09.2015. What more the Court can do? What is the need for giving him any direction to the Court for the disposal of the same?.

4. Under Article 227 of the Constitution of India, the High Court can exercise control over the Subordinate Courts not as it pleases, not as it likes, it will arise when there is gross abuse of process, non-exercise of power etc. But, when the judicial proceedings are going on its routine course, the High Court cannot deflect its course. Unnecessary interference to the judicial functions of the Courts below will affect their judicial independence. Article 227 of the Constitution of India is not intended for this purpose. It is intended to see that justice is rendered.

5. Now, in this case, the plaintiff wants to bid farewell to the Court not totally, but for the time being.

6. With these observations, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

ps

To

1.The Principal District Judge,
Palani.

2.The District Munsif,
Palani.

+1CC to Mr.G.Aravinthan Advocate Sr.No.51962

GJM/AN/MP/18.9.15-2P-4C

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