



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD).NO.227 of 2015

WEB COPY

1.M.Sathish Kumar

2.M.Sasikumar

... Revision Petitioners/Plaintiffs

vs.

1.Revathi

2.Punniya Moorthy

3.Chella Arasan

4.Kokila

5.Jeya Prabha

6.State of Tamilnadu

Represented by its Madurai District Collector,
having office at Collectorate Building,
Madurai, Madurai District.

7.The Tahsildar,

Madurai North Taluk,

having office at

Collectorate Building Madurai,

Madurai District.

... Respondents/Defendants

PRAYER: This Civil Revision Petition filed under Article 227 of Constitution of India, to direct the District Munsif, Melur to dispose of the O.S.No.240 of 2012 on its file within the stipulated time in accordance with law.

For Petitioner : Mr.M.Subashbabu

O R D E R

The suit is filed by the plaintiffs for declaration that the plaintiffs are the legal heirs of the deceased K.K.A.K.Maharaja @ Arasappan.

2.Though the suit is of the year 2012, after pleadings were completed it taken up for trial as early as on 20.12.2012 on which date, proof affidavit of P.W.1 was filed. After more than 20 months, the plaintiffs' side evidence was closed on 01.08.2014. From 01.08.2014 till today, the defendants have not gone in to the box. It is adjourned time and again without any reason.

3.It is the settled procedure that once the trial has commenced, without granting long adjournments as far as possible the trial has to be taken on day to day basis and the same has to be completed.

4.In this case, though the trial has commenced in December 2012, it has taken more than 20 months for completion of the plaintiffs' side evidence and the defendants' side evidence is yet to be commenced. From the 'B' diary services do not find any serious impediments for the trial Judge to proceed with the suit. It is only at the instance of the defendants, the adjournments have been granted, without any sufficient reason.



Therefore, aggrieved by the undue delay, the plaintiffs have come up with this revision before this Court seeking for a speedy disposal of the suit.

5.No notice is necessary to the respondents as this Court intends to direct the trial Court to dispose of the suit at the earliest and it would not cause any prejudice to the respondents.

6.Considering the plight of the plaintiffs, this Court is inclined to direct the District Munsif Court, Melur to dispose of the suit in O.S.No.240 of 2012 on merits and in accordance with law on or before 31st December 2015 as far as possible on day to day basis.

With the above direction, the civil revision petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To
The District Munsif,
Melur.

+1cc to Mr.M.Subash Babu,Advocate, SR.No.6721

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