



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

C.R.P. (MD).No.330 of 2015

C.Leela Bai

... Appellant Petitioner

vs.

Sundara Bai (Died)

1. Justus Daniel

2. C. Lalitha Bai

3. C. Belsi Rugmoni Bai

4. C. Prema Selva Bai

5. P. S. Geetha

6. P. S. Prabhar

7. P. S. Thilaha

8. P. S. Jawahar

9. D. Latha Veena Kumari @ Christy Latha

10. Ashy V. Daniel

11. Bino V. Daniel

12. Cino V. Daniel

... Respondents/Respondents/Respondents

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Padmanabhapuram to dispose the I.A.No.121 of 2014 in C.M.A.S.R.No.5055 of 2014 on the file of the Subordinate Judge, Padmanabhapuram within a time stipulated by this Court.

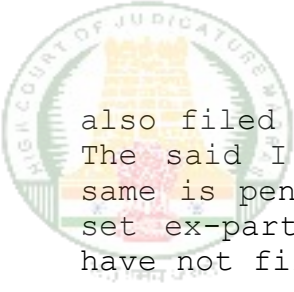
For Petitioner : Mr.M.Dennis Joe

O R D E R

This Civil Revision Petition is filed for a direction seeking early disposal of I.A.No.121 of 2014 in C.M.A.S.R.No.5056 of 2014 on the file of the Subordinate Court, Padmanabhapuram.

2.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.

3.The suit in O.S.No.264 of 1999 was filed by the revision petitioner herein, who is the plaintiff for partition, claiming 1/7th share. The said suit was dismissed for default on 03.01.2003. Hence, an application in I.A.No.146 of 2003 was filed for restoring the suit and the said application was also dismissed for default on 12.03.2004 for non-payment of process fee. An application was filed for accepting the process fee on the very next day i.e., on 13.03.2004, which was also dismissed. The above details were known to the petitioner only at the last stage. The Advocate Clerk had duped and cheated by not giving the pendency details of the suit. Therefore, she filed C.M.A.S.R for restoring the I.A.No.220 of 2014. However, there is a delay of 3515 days in filing the same. She



also filed separate application for condoning the said delay in filing. The said I.A.No.121 of 2014 had been adjourned time and again and the same is pending till today. In the said I.A., already R3, R6 to R10 were set ex-party and R2, R5, R11 to R14 were entered appearance and they have not filed the counter.

4.Considering the fact that the suit is of the year 1999, this Court is inclined to direct the Subordinate Court, Padmanabhapuram to dispose of the I.A.No.121 of 2014 in C.M.A.SR.No.5056 of 2014 on merits and in accordance with law on or before 30.06.2015.

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

Sd/-
Assistant Registrar(AE)

\\True copy\\

Sub Assistant Registrar

To

The Subordinate Judge, Padmanabhapuram.

+1cc MR.M.DENNIS JOE, ADVOCATE SR.NO.12561

C.R.P. (MD) .No.330 of 2015
17.03.2015

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