



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.03.2015

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P (PD) (MD) No.628 of 2015

1.A.Gajendran

2.Sampantham

3.Nagaraj

..Petitioners/Respondents/Defendants

Vs

S.Saraswathy

..Respondent/Appellant/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to direct the I Additional Subordinate Judge, Tiruchirappalli to dispose of the First Appeal in A.S.No.176 of 2009 in O.S.No.1189 of 2006 within the stipulated period prescribed by this Court.

For Petitioners : M/s. R.Sundar

ORDER

The revision is filed seeking direction for speedy disposal of A.S.No.176 of 2009 on the file of I Additional Subordinate Judge, Tiruchirappalli.

2.The First Appeal is of the year 2009 and it has been adjourned periodically for want of records from the Lower Court. From February 2010, the appeal has been adjourned only under the caption "want of lower Court records". From the 'B' diary, it can be seen that finally it was posted on 7.3.2015 and thereafter it has been adjourned beyond vacation. Though the appellate Court, which has control over the trial Court, could have asked for the records at the earliest, it has been simply adjourning the case from February 2010. The appellate Court should have called for a report from the trial Court for not sending the records on time. Therefore the Appellate Judge/I Additional Subordinate Judge, Tiruchirappalli is directed to conduct an enquiry as to what had happened to the records relating to O.S.No.1189 of 2006, on the file of III Additional District Munsif, Trichy. If the records are available, they may be summoned at the earliest to the appellate Court and the appellate Court in turn shall dispose of the First Appeal in A.s.No.176 of 2009 in O.S.No.1189 of 2006 on or before



30.06.2015. Otherwise, the I Additional Subordinate Judge, Tiruchirappalli is directed to take appropriate steps to retrieve the records as per law.

3. With the above directions, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The I Additional Subordinate Judge, Tiruchirappalli.

2. The Principal District Judge, Tiruchirappalli.

3. The III Additional District Munsif, Tiruchirappalli.

+1cc to Mr.R.Sundar, Advocate, in SR. No.15390.

Copy to: The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

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vsn

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