

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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CIVIL REVISION PETITION No.850 of 2015

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ORDER:

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This Civil Revision Petition under Article 227 of the Constitution of India by the petitioners/plaintiffs is filed requesting to direct the trial Court to dispose of the suit in O.S. No.13 of 2014 on the file of the Court of the Senior Civil Judge, Asifabad of Adilabad District.

2. I have heard the submissions of the learned counsel for the petitioners/plaintiffs. I have carefully perused the material record.

3 . The petitioners/plaintiffs are the legal representatives of late Nune Shankaraiah, who had died in harness while working as a Trammer in the collieries of the first defendant. Since the payment of terminal benefits of the deceased are not settled by the defendants 1 and 2, the petitioners/plaintiffs had brought the aforementioned suit for declaration of their right to receive from the defendants 1 and 2 the suit amount, which represents the terminal benefits, which are payable to them on account of the death of the said Nune Shankaraiah in harness, and for consequential mandatory injunction directing the defendants 1 and 2 to pay the suit amount to the plaintiffs/revision petitioners. The first defendant had filed a written statement resisting the suit. The only grievance of the plaintiffs/petitioners is that their suit is not being disposed of at the earliest by the trial Court and that therefore, they are constrained to file this revision petition requesting this court to direct the trial Court to dispose of their suit at the earliest.

4. The learned counsel for the petitioners/plaintiffs submits that issues were framed in the suit and that the suit is ripe for trial, but, the trial Court is not

taking up the suit for trial and is adjourning the suit from time to time. It is fairly conceded that for sometime the post of the Presiding Officer of the Court is vacant and a Senior Civil Judge of another Court was holding Full Additional Charge of the Court of the Senior Civil Judge at Asifabad. He had also fairly conceded that for sometime the advocates appearing in the trial Court had abstained from work and that for that reason also, there was no progress in the trial of the suit.

5. Be that as it may, at present a regular Presiding Officer is posted and is presiding over the Court and the advocates are also attending the Court, is the submission of the learned counsel. It is alternatively submitted that even if a regular Officer is not presiding over the Court, the Presiding Officer holding Full Additional Charge, who is suppose to conduct Court at-least once in a week can take up the trial of the suit in the interests of Justice. Therefore, there is no impediment for proceeding with the trial of the suit, as per the submissions made before this Court. Therefore, necessary directions can be given to the trial Court keeping in view the facts and circumstances of the matter.

6. Accordingly, the Civil Revision Petition is allowed at the admission stage. The learned Senior Civil Judge concerned is directed to dispose of the aforementioned suit viz., OS.No.13 of 2014 on merits and in accordance with the procedure established by law as early as possible and preferably within a period of four (4) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 30.03.2015

Note: Issue C.C. in three days

(B/O)

MVA