

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.141 of 2016

1. S.G.Rajendiran Prasad

2. Hitesh S.Thakkar

... Petitioners

vs.

Raja

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the District Munsif Court, Sholinghur to dispose of the suit in O.S.No.16 of 2015 as early as possible preferably within a period of three months.

For Petitioners : Mr.P.Krishnan

For Respondent : Mr.R.Shivakumar

ORDER

The present Civil Revision Petition has been filed under Article 227 of the Constitution of India for a direction to the District Munsif, Sholinghur to dispose of O.S.No.16 of 2015 pending on the file of the said Court, within a time to be fixed by this Court. The respondent herein is the plaintiff in the said suit and the defendants therein are

the revision petitioners herein. The said suit has been filed for a permanent injunction against the revision petitioners herein in respect of plaint 'B' schedule property and for costs of the suit.

2. The suit, in respect of which direction is sought for, is not even one year old. There are a number of other cases older than the suit in respect of which the direction is sought for. Even then, showing the urgency and the necessity to seek disposal of the case at an early date, the petitioners could have very well approached the trial court with necessary petition for fixing an early date and for inclusion of the same in the special list for disposal or to be placed on the fast track for disposal. Without doing it, the petitioners have chosen to directly approach this court under Article 227 of the Constitution of India for a direction to dispose of the suit within a time to be fixed by this court.

3. This court does not have the statistical particulars and other particulars as to find out whether this particular case needs to be fast tracked bypassing earlier cases. The trial court shall be in a better position to decide whether it can be fast tracked or not. Such an alternative remedy has not been exhausted. Hence the petition filed under Article 227 of the Constitution of India deserves to be dismissed. However the petitioners shall be at liberty to move a

petition before the trial court for fixing an early date.

4. Accordingly, this civil revision petition is dismissed. The petitioners shall be at liberty to move a petition before the trial court for fixing an early date. If such a petition is filed, the trial court shall dispose of the same on its own merit, without being influenced by any of the observations made in this order. No costs.

20.04.2016

srn

To

The District Munsif Court,
Sholinghur

P.R.SHIVAKUMAR.J

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