



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1464 of 2016

1.Halima Ammal
2.Hawva Ammal
3.Hajra Ammal
4.Subaitha Ammal

... Petitioners/Defendants 11 to 14

Vs.

1.Rajabu Nisha
2.Majith
3.Mohamed Hussan
4.Chidambarapathar
5.Mohamed Farook
6.Ahmed Maraikayar
7.Paishal Mohmed
8.Ragamath Ali
9.Ayubkhan
10.Sasikala
11.Yunusu

... Respondents 2 to 11/Defendants 1 to 10

12.State of Tamilnadu
Rep. By District Collector,
District Collectorate,
Pudukkottai District.

13.The Tahsildar,
Taluk Office,
Manamelkudi,
Pudukkottai District.

... Respondents 12 & 13/Defendants 15 & 16

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to expedite the suit in O.S.NO.66 of 2009 on the file of the District Munsif Court, Aranthangi within time stipulated by this Court.

For Petitioners : Mr.M.Suresh

O R D E R

The defendants 11 to 14 in O.S.No.66 of 2009 has come up with this petition seeking for a direction to the learned District Munsif, Aranthangi to dispose of the suit within a time frame.



2. Mr.M.Suresh, learned counsel for the petitioners would submit that the first respondent filed the suit against the petitioners and other respondents for declaration, permanent injunction and alternatively for recovery of possession and on 25.03.2011, the said suit was posted for trial and in the year 2013, the plaintiff filed an application I.A.No.761 of 2013 for appointment of Advocate Commissioner to note down the physical features of the suit property. Though the said application was allowed, the plaintiff has not taken steps to measure the property so far.

3. It is further submitted that pending suit, the third defendant died. The plaintiff filed applications I.A.No.161 of 2015 and 162 of 2015 to condone the delay in filing application to bring the legal heirs on record and to set aside the abatement. Both applications have been allowed and the application I.A.No.644 of 2015 to bring the legal heir of the third defendant is pending.

4. The learned counsel would further submit that the petitioners are senior citizens and the delay causes prejudice to the interest of the petitioners. It is further contended that as per Article 21 of Constitution of India, they are entitled for early disposal of the suit.

5. Considering the above submission and without going into the merits of the case, the learned District Munsif, Aranthangi, is directed to dispose of the suit O.S.No.66 of 2009 as expeditiously as possible preferably within a period of six months from the date of receipt of copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AE)

/TRUE COPY/

Sub Assistant Registrar

CM

To

- 1 The District Munsif, Aranthangi.
2. The District Collector,
Pudukkottai District.
3. The Tahsildar,
Taluk Office, Manamelkudi,
Pudukkottai District

+1 cc to Mr.M.Suresh ,Advocate, Sr.No: 40259

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