



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) .No.1499 of 2016

C.Chockalingam

.. Petitioner/1st Defendant

Vs.

1. Peri.Shanmugam

.. 1st Respondent/Plaintiff

2. Meenal

3. Muthumanickam

.. Respondents 2&3/Defendants 2&3

4. Peri.Subbaiah

5. Peri.Kasi

.. Respondents 4&5

Prayer: Petition is filed under Article 227 of Constitution of India, to direct the Lower Court for expeditious disposal of the suit in O.S.No.89 of 2009 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppathur, within a stipulated time.

For Petitioner : Mr.M.Saravanan

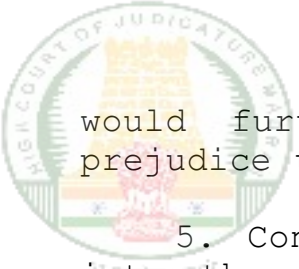
ORDER

This Civil Revision Petition is filed seeking for a direction to dispose of the suit in O.S.No.89 of 2009 pending on the file of the District Munsif cum Judicial Magistrate Court, Thiruppathur, within a time frame.

2. Heard the learned counsel for the petitioner and perused the records.

3. The first defendant in O.S.No.89 of 2009 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur is the Revision petitioner. The first respondent filed the suit against the petitioner and respondent Nos.2 and 3 for declaration declaring that the third respondent is his son. Pending suit, the plaintiff died on 25.10.2015.

4. Mr.M.Saravanan, learned counsel for the petitioner would submit that after demise of the first respondent/plaintiff, the suit itself has become infructuous, however, the brothers of the first respondent have filed an application to implead themselves as plaintiffs, but it is not yet numbered. The learned counsel



would further submit that the pendency of the suit causes prejudice to the interest of the petitioner.

5. Considering the above said submissions and without going into the merits of the case, the learned District Munsif cum Judicial Magistrate, Thiruppathur is directed to dispose of the suit in O.S. No.89 of 2009 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Civil Revision Petition is disposed of. No costs.

Sd/
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate Court,
Thiruppathur.

+1 cc to MR.R.SUBRAMANIAN, Advocate Sr.No.41945

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SMA/SKS-RR/18/08/2016 :2P/3C