



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.10.2016

WEB COPY

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THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P(PD) (MD) No.2112 of 2016

K. Shunmugaraj ..Petitioner/Defendant

vs.

S.Chandra Mohan .. Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to direct Principal District and Sessions Judge, Kanyakumari District at Nagercoil to dispose of the suit in O.S.No.100 of 2011 on his file, within the time frame fixed by this Court.

For Petitioner : M/s.R.Murugan

ORDER

This revision has been filed seeking for a direction to direct Principal District and Sessions Judge, Kanyakumari District at Nagercoil to dispose of the suit in I.S.No.100 of 2011 on his file, within the time frame fixed by this Court.

2.The respondent herein filed a suit in O.S.No.100 of 2011 on the file of the Principal District and Sessions Court, Kanyakumari District at Nagercoil for declaration of title and for permanent injunction against the petitioner herein in respect of the suit schedule property. The above said suit was filed on 1.6.2011.The Petitioner also filed a detailed written statement on 21.11.2011.Thereafter, issues were framed on 11.1.2013 and posted for appearance of the parties and trial by 28.2.2013.The trial was commenced on 5.4.2014, but till now, trial was not completed.

3.According to the Petitioner, the Petitioner is ready to proceed with the case. P.W.1 was examined in chief and thereafter posted for cross-examination of P.W.1 and the matter is pending before the trial Court without any progress.

<https://hcservices.hcsc.gov.in/hcservices/> 4.As per the copy, the suit was posted for appearance of the parties and trial on 28.2.2013.The trial was commenced on



5.4.2014. However, a perusal of the diary extract in the suit would show that the matter was referred to the Mediation Centre for settlement between the parties, on the request of the plaintiff. Thereafter, till 2.9.2016, mediation report was not received by the trial Court. At this stage, the Petitioner has filed the present Civil Revision Petition before this Court, for the relief stated supra.

5. In view of the submission made by the learned counsel for the Petitioner, without expressing any opinion on the merits of the matter and in view of the fact that mediation report has not been received by the trial Court, it is not proper for this Court to direct the trial Court to dispose of the main suit within the time frame fixed by this Court. However, taking into consideration the pendency of the suit from the year 2011, it is just and fair on the part of this Court to direct the Principal District and Sessions Judge, Kanyakumari at Nagercoil to dispose of the suit in O.S.No.100 of 2011, on its file, on merits and in accordance with law, as expeditiously as possible.

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

Sd/
Assistant Registrar(C.S-II)

/TRUE COPY/

Sub Assistant Registrar

To

The Principal District and Sessions Judge,
Kanyakumari District at Nagercoil.

Copy to:

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

+1cc to M/S.R.Murugan, Advocate in SR.No.61859/16.

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