



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.11.2016
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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C.R.P. (MD) No.2461 of 2016

S.Subramania Oothuvar .. Petitioner/Plaintiff

Vs.

1. S.Vasanthi
2. A.Sornavel .. Respondents 1&2/Defendants 1&2
3. S.Sivakumar
(Given up) .. 3rd Respondent/3rd Defendant

PRAYER: Petition filed under Article 227 of Constitution of India, to direct the learned District Munsif cum Judicial Magistrate, Sivagiri, to expedite the proceedings in I.A.No.564 of 2015 in O.S.No.125 of 2015, on the file of the District Munsif cum Judicial Magistrate Court, Sivagiri, within a time frame fixed by this Court.

For Petitioner : Mr.F.X.Eugene

O R D E R

This Civil Revision petition has been filed seeking a direction to the learned District Munsif cum Judicial Magistrate, Sivagiri, to expedite the proceedings in I.A.No.564 of 2015 in O.S.No.125 of 2015, within a time limit.

2. Heard the learned counsel appearing for the petitioner.

3. According to the petitioner, the petitioner filed a suit in O.S.No.125 of 2015 before the District Munsif Court, Sivagiri, for declaration and consequential permanent injunction and for mandatory injunction. In the aforesaid suit, the petitioner has filed an application in I.A.No.564 of 2015 for temporary injunction to restrain the respondents 1 and 2, for making construction and alteration in the second schedule property and also, he has filed an application in I.A.No.565 of 2015, for appointment of Advocate Commissioner. The said application was filed under Order 39 Rule 1 and 2 Section 151 of C.P.C. The said application has been adjourned from 23.09.2015 to till date, for filing counter affidavit. Therefore, the petitioner has filed the present Civil Revision petition in the aforesaid prayer.

<https://hcservices.courts.gov.in/hcservices>
4. The relevance of the petitioner is that the respondents here in took adjournment for filing counter affidavit and dragging on the proceedings before the Court below. But the respondents



herein have indulged in construction activities in the suit property.

5. The said application filed under Order 39 Rule 1 and 2 Section 151 of C.P.C., shall be disposed within a time frame as prescribed under the said provisions of the Act. The said application has been adjourned in the year 2015 onwards.

6. Considering the above facts and circumstances of the case, the learned District Munsif cum Judicial Magistrate, Sivagiri, is directed to dispose of the I.A.No.564 of 2015 in O.S.No.125 of 2015 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order, after providing opportunity to the respondents.

7. With the above directions, the Civil Revision petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate,
Sivagiri.

2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.F.X.Eugene,Advocate Sr.No.74929

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