



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.256 of 2016 (PD)

1.Palin Karolina
2.Waran Hastings

.. Petitioners

Vs.

1.Seenivasan
2.S.Udaya Perumal

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying for a direction to the learned Subordinate Judge, Pudukkottai, to dispose of the appeal, pending on her file in A.S.No.58 of 2013 within a reasonable time.

For Petitioner : Mr.N.Balakrishnan

O R D E R

This Civil Revision Petition is filed, for a direction to the learned Subordinate Judge, Pudukkottai, to dispose the appeal in A.S.No.58 of 2013, pending on her file, within a reasonable time.

2. The petitioners are the respondents in the first appeal in A.S.No.58 of 2013. Their mother filed a suit in O.S.No.56 of 2003, for eviction of the respondents, after terminating tenancy, under Section 106 of the Transfer of Property Act, 1882. Pending suit, the mother of the petitioners died. The petitioners were impleaded as plaintiffs 2 and 3 in O.S.No.56 of 2003 as her legal heirs. The said Suit was decreed on 29.07.2013. Against the said Judgement and decree, the first respondent filed A.S.No.58 of 2013. The petitioners filed E.P.No.33 of 2013 in O.S.No.56 of 2003, for execution of the decree, dated 29.07.2013. The execution Court adjourned the E.P., on the ground that the first appeal in A.S.No.58 of 2013 filed by the first respondent is pending. Against that the present Civil Revision Petition is filed.

3. The learned Judge failed to see that the lower Appellate Court did not grant any stay of decree. The lower Appellate Court ~~advised the respondents to file the first appeal, periodically, at the request of the first respondent. Therefore, the petitioners prayed for early disposal.~~



4. Heard the learned counsel appearing on either side and perused the materials available on record. Though notice was served on the first respondent and his name is printed in the cause list, there is no representation on behalf of the first respondent either in person or through his counsel. The second respondent remained ex parte before the trial Court. Hence, notice to the second respondent is dispensed with.

5. Considering the facts and circumstances and contentions of the learned counsel for the petitioner and in view of the limited prayer sought for in the present Civil Revision Petition that the first appeal in A.S.No.58 of 2013 is pending on the file of the lower Appellate Court, and without expressing any opinion with regard to the merits of the case, this Court directs the learned Subordinate Judge, Pudukkottai, to dispose of the first appeal in A.S.No.58 of 2013, on merits and in accordance with law, as expeditiously as possible, in any event, not later than 31st day of August, 2016.

6. With the above direction, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

PJL
To
The Subordinate Judge, Pudukkottai.

+1CC to Mr.N.Balakrishnan Advocate Sr.No.18768

GJM/AN/MP/28.4.16-2p-3C

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