



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(MD)No.532 of 2016

P.Meenakshi Ammal .. Revision Petitioner/
Appellant/Respondent

Vs.

1. A. Mariappa Nadar
2. M.Mayandi
3. A.Chinnadurai
4. R. Raja
5. S.Avudaiammal
6. G.Chithiraipoo .. Respondents/Respondents 1 to6/
Defendants

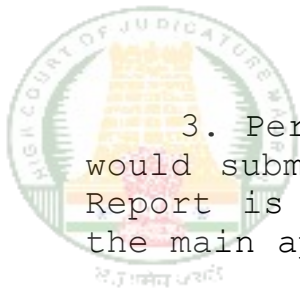
Prayer: Petition filed under Article 227 of Constitution of India, to allow this Civil Revision Petition and thereby direct the Subordinate Court, Tuticorin to dispose the A.S.No.35 of 2009 pending on its file within stipulate time.

For Petitioner : Mr.B. Rajesh Saravanan
For Respondents : Mr.R.Nandakumar

ORDER

This Revision is filed seeking for a direction to the Subordinate Court, Tuticorin to dispose of the appeal suit in A.S.No.35 of 2009 within a stipulated time.

2. Mr.Rajesh Saravanan, learned counsel for the petitioner would submit that the suit filed by the petitioner for recovery of possession and injunction was dismissed by the District Munsif Court, Tuticorin on 06.09.2007. Aggrieved over the Judgment and Decree, the petitioner has preferred an appeal before the Subordinate Court in which an application is pending in I.A.No.149 of 2012 to scrap the report of the Advocate Commissioner. The learned counsel for the petitioner would further submit that the petitioner is a senior citizen aged 73 years and pendency of the appeal for any progress, causes irreparable loss and hardship to the petitioner.



3. Per contra the learned counsel appearing for the respondent would submit that when the application to scrap the Commissioner Report is pending, a direction cannot be issued for disposal of the main appeal.

4. Heard the learned counsel for the petitioner and also the learned counsel for the respondent and perused the records.

5. Considering the fact that the appeal is pending for more than six years and the application filed to scrap the Commissioner's Report is pending from 2012, this Court is inclined to issue a direction to the learned Subordinate Court, Tuticorin to dispose of both the application and the appeal suit as expeditiously as possible, preferably on or before 31.08.2016

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

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

The Subordinate Judge,
Tuticorin.

+One cc to Mr.B.Rajesh Saravanan, Advoate, SR.No.31530

+One cc to Mr.R.Nandakumar, Advoate, SR.No.32262

pmu

RL/4C/2P/KBM/30/6/2016

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