



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P.(NPD) (MD) No. 824 of 2016

1.A.XAVIER RAJ  
2.SENGOL MARY  
3. VALLIAMMAL

... Petitioners/Plaintiffs

Vs.

1.KATHIRVEL  
2.PALANIAPPAN  
3.A.RAMASAMY  
4.A.VENKATACHALAM  
5.P.ARUNACHALAM PILLAI  
M.THANGARAJ (DIED)  
M.PAPPUSAMY (DIED)  
6.M.RAJAGOPAL  
7.M.SUBRAMANI  
8.NAGESHWARI  
9.MANIMEGALAI  
10.ANUSHYA  
11.SABARINATHAN  
12.KANNAN

... Respondents/Defendants

(Respondents No.3 to 12 set ex-parte before the Lower Court and hence notice may be dispensed with in respect of the Respondents 3 to 12)

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, direct the District Munsif-cum-Judicial Magistrate to dispose of O.S.No.279 of 2009 within the time limit fixed by this Honourable Court.

For Petitioners : Mr.J.Anandkumar

### **O R D E R**

This Civil Revision Petition has been filed seeking a direction to the court below to dispose of O.S.No.279 of 2009 on the file of the District Munsif-cum-Judicial Magistrate, Vede chandur, within the time limit fixed by this Court.



2. Heard learned counsel for the petitioners.

3. The suit in O.S.No.279 of 2009 on the file of the learned District Munsif-cum-Judicial Magistrate, Vedachandur has been filed for declaration that ex-parte decree passed in O.S.No.445 of 1995 dated 10.07.1996 is null and void, that the sale deed executed through court pursuant thereto be cancelled and for other reliefs. As on the date of suit, the first petitioner was 56 years old and he is a senior citizen as on date.

4. A perusal of 'B' Diary informs much delay in the progress of action. In fact, Interlocutory Application in I.A.No.546 of 2011 has been pending till date.

5. Learned counsel for the petitioners/plaintiffs submits that except D1 and D2, all the other defendants are set ex-parte and the defendants 1 and 2 have filed the written statement.

6. In the particular circumstances stated, this Court disposes of this revision with a direction to the Court below to dispose of the suit in O.S.No.279 of 2009 on the file of the District Munsif-cum-Judicial Magistrate, Vedachandur, as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To  
The District Munsif-cum-Judicial Magistrate, Vedachandur.

+1cc to Mr.J.Anandkumar, Advocate, Sr.No.22154

cm

JM/JGB-DP/04.05.2016/2P-3C

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