



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) .No.1683 of 2017

WEB COPY

Karumuthu T.Sundaram

... Petitioner/Petitioner

Vs.

1. Karumuthu C.Sundaram
2. Meenakshi Subramanian
3. Karumuthu T.S.Sethu
4. Lalitha Anandapadmanabhan
5. Meenakshi Narayanan
6. Vijaya Lakshmanan

... Respondents/Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India seeking direction for early disposal of Probate O.P.No.1 of 2010 on the file of the Principal Subordinate Judge, Madurai.

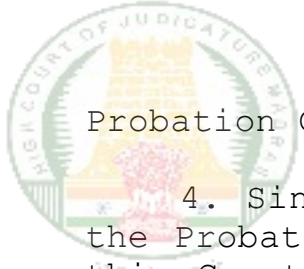
For Petitioner : Mr.P.Thiagarajan

O R D E R

The Civil Revision Petition has been filed for early disposal of Probate O.P.No.1 of 2010 on the file of the Principal Subordinate Judge, Madurai.

2. The petitioner has filed a petition in Probate O.P.No.1 of 2010 before the learned Principal Subordinate Judge, Madurai as early as on 07.02.2010. The statement of objection was filed by the third respondent on 09.04.2012 and the other respondents are remained ex-parte. However, the Probate O.P. was not taken up for trial till 2016 and proof affidavit was filed during August 2016. P.Ws.1 and 2 were examined and for cross-examination of the petitioner's witnesses, the matter was adjourned to 22.12.2016. Thereafter, no cross-examination was conducted and the matter was simply adjourned time and again without any progress.

3. The learned counsel for the petitioner would submit that P.W.2 is one of the attesting witnesses and he is aged about 70 years and suffering from various illness and due to his old age, he underwent two bypass surgeries for his heart ailment. In such circumstances, if the examination of the said witness is prolonged, the petitioner would suffer serious prejudice in case of any untoward incident. Therefore, the petitioner has come forward to file this petition for early disposal of the above



Probation O.P. within the time fixed by this Court.

4. Since the Revision Petition is filed for early disposal of the Probation O.P., no notice is necessary to the respondents and this Court is satisfied with the reasons stated in the affidavit filed in support of this revision petition. Therefore, to meet the ends of justice, this Court is inclined to pass an order for early disposal of the above said petition. Accordingly, the learned Principal Subordinate Judge, Madurai is directed to dispose of the Probation O.P.No.1 of 2010 within a period of six months from the date of receipt of a copy of this order.,m

5. The Civil Revision Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To
The Principal Subordinate Judge,
Madurai.

+ 1 CC TO MR.P.Thiagarajan, ADVOCATE IN SR No.82470
akv
MK/KK/SAR-4/07.11.2017/2P/3C

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