



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.10.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)No.1717 of 2017

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Jesuvadiyal

... Petitioner

vs.

1)Meichel Ammal
2)Rajan @ Gnana Prakasam
Mariya Pushpam(died)
3)Mariya Thangam
4)Mariya Looyi @ Ayyavu
5)John Britto
6)Sahaya Rosley
7)Jessy Phillips Dorlley
8)Jooliyet

... Respondents

Petition filed under Article 227 of the Constitution of India, to direct the District & Sessions Court, Kanyakumari District at Nagercoil to dispose of the Civil Miscellaneous Appeal in C.M.A.No.7 of 2011 within a definite time frame by this Hon'ble Court.

For Petitioner : Mr.R.Murugan

ORDER

This revision petition has been filed to issue a direction to the learned District & Sessions Court, Kanyakumari District at Nagercoil, to dispose of C.M.A.No.7 of 2011 within a time frame to be fixed by this Court.

2.The learned counsel for the petitioner would aver that the petitioner has filed the Probate O.P in the year 1999 and the Trial Court allowed the same on 13.10.2004. Against the said order, the respondents 1 and 2 filed C.M.A.No.7 of 2011 in the year 2006 with the petition to condone the delay in filing the appeal and the same was numbered in the year 2011. Even though the arguments were commenced, the first appellate Court repeatedly adjourned the appeal without any reason. Hence, the petitioner has come up with the present revision petition for early disposal of the appeal.

3.The learned counsel for the petitioner further submitted that the petitioner is a senior citizen aged about 73 years and she had been agitating the matter from 1999 onwards and hence,



prays for early disposal of the appeal.

4. Since it is only a petition for early disposal of the appeal which is pending from 2011 onwards, no notice is necessary to the respondents herein.

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5. Considering the submissions made by the learned counsel for the petitioner and age of the petitioner, this Court feels that ends of justice would be met by directing the first appellate court to dispose of the appeal within a time frame. Accordingly, a direction is issued to the learned District & Sessions Judge, Kanyakumari District at Nagercoil, to dispose of C.M.A.No.7 of 2011 within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The District & Sessions Judge,
Kanyakumari District at Nagercoil.

+ 1 CC TO MR.Mr.R.Murugan , ADVOCATE IN SR No.82478

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MK/MR KKR/SAR-1/26.10.2017/2P/3C

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