



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (PD) (MD) No.1777 of 2017

A.Thangamma

... Petitioner

vs.

1.A.Adhi Narayanan
2.Minor. R.L.Anu Dev
(Represented by his father and
natural guardian)
3.A.Raj Mohan
4.A.Rajendran
5.J.Idhal Raichel Rani
6.J.Selvi

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to to expedite the proceedings in O.S.No.15 of 2016 on the file of the District Munsif, Bhoothapandi, within a time frame as fixed by this Court.

For Petitioner : Mr.T.Selvakumaran

ORDER

This revision petition has been filed seeking a direction to expedite the proceedings in O.S.No.15 of 2016 on the file of the District Munsif, Bhoothapandi, within a time frame as fixed by this Court.

2. The petitioner would aver among other things that the petitioner has filed a suit in O.S.No.15 of 2016 on the file of the District Munsif, Bhoothapandi, seeking the following reliefs:

The plaintiff be given a decree for declaration of easement right over plaint 'B' schedule property in order to reach her plaint 'A' schedule property and vice-versa. The plaintiff be given a decree for mandatory injunction directing the defendants one to four to remove the obstruction made by them in plaint 'B' schedule property by removing the same at their own cost if they fail to do so the plaintiff be given liberty to remove the same and recover the cost from the defendants. The plaintiff be given a decree for permanent injunction restraining the defendants from closing the "B" schedule pathway or in any way interfering with the use of the same by the



plaintiff. Decree for the cost of the suit.

3. The learned counsel for the petitioner submits that the petitioner is the owner of "A" schedule property having succeeded to the above said property as per sale deed bearing Registration No.894 of 1990 dated 29.06.1990 and the petitioner is in possession and enjoyment of the property.

4. The petitioner further submits that the defendants also filed written statement accepting the ownership of the petitioner and though they have filed a written statement, the case has not been proceeded and therefore, the petitioner has come to this Court for early disposal of the suit in O.S.No.15 of 2016 on the file of the District Munsif, Bhoothapandi.

5. The petitioner submits that his property is a coconut Thoppu. The defendants blocked his pathway on 06.01.2016 and because of the obstruction the petitioner is not able to bring coconuts from his property and therefore, there is urgency in the matter.

6. Since it is only a petition for early disposal of the suit which is pending from 2016 onwards, no notice is necessary to the respondent herein.

7. Considering the fact that the suit is pending from the year 2016 and since pathway is blocked the petitioner could not cut coconuts, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Without advertting to the merits of the case, a direction is issued to the learned District Munsif, Bhoothapandi, to dispose of O.S.No.15 of 2016 within a period of six 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-II)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Bhoothapandi.

CM

TE/KP/SAR-I : 06/11/2017 : 2P/2C