



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1974 of 2017

N.Dhanraj ... Petitioner/Plaintiff

vs.

1.A.Rethinasamy

2.R.Raja ... Respondents/defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned I Additional Subordinate Judge, Trichirappalli, to dispose of the suit in O.S.No.523 of 2014, within the time stipulated by this Court.

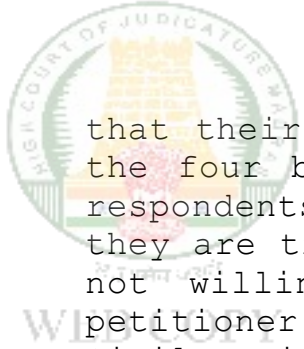
For Petitioner : Ms. T.Banumathy

ORDER

The above Civil Revision Petition has been filed seeking a direction to the learned I Additional Subordinate Judge, Trichirappalli, to dispose of the suit in O.S.No.523 of 2014, within a stipulated time as fixed by this Court.

2. The petitioner would aver among other things that the petitioner filed a suit in O.S.No.523 of 2014 for permanent injunction restraining the defendants from any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property by removing the fencing stones. The suit was originally filed before the learned District Munsif Court, Tiruchirappalli and numbered as O.S.No.864 of 2010 and the suit was transferred for the trial to be conducted along with O.S.No.239 of 2010, since the suit properties of both suits adjacent properties. The defendants failed to file their written statement and they were set exparte on 16.12.2014. It appears that only on 22.11.2016, the defendants filed their written statement along with the petition to set aside the exparte order.

3. The petitioner further submitted that the respondents/defendants had obtained several adjournments on the ground that the Advocate Commissioner Report is pending in respect of the suit in O.S.No.239 of 2010. According to the petitioner, the defendants are trying to drag on the proceedings by stating



that their suit property in O.S.No.239 of 2010 is situated within the four boundaries of the petitioner/plaintiff's property. The respondents/defendants did not have clear records and therefore, they are trying to influence the official Authorities and they are not willing to conduct trial in the above suit. Hence, the petitioner has come forward before this Court with the present Civil Revision Petition for early disposal of the suit.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. The prayer of the petition itself is with a limited prayer for speedy disposal of the suit in O.S.No.523 of 2014 and therefore, no notice is necessary to the respondents.

6. Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if a direction is issued to the trial Court. Accordingly, having regard to the submissions made by the learned Counsel for the petitioner and also taking into consideration the limited prayer sought for in this Civil Revision Petition, without expressing any opinion with regard to the merits of the case, this Court directs the learned I Additional Subordinate Judge, Trichirappalli to dispose the suit in O.S.No.523 of 2014 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

I Additional Subordinate Judge,
Tiruchirappalli.

+1cc to Ms. T.Banumathy, Advocate Sr.No.85565

GSP/SSL

VB/SV/MMS/SAR1/24/11/2017/2P/3C

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