



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.11.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1983 of 2017

B.Krishnamurthy ... Petitioner/1st defendant

vs.

1.T.Santhakumari ...1st Respondent/Plaintiff

2.T.Jeyakumar

3.The Sub Registrar,
Office of the Sub Registrar,
Woraiyur, Trichy. ... Respondents 2 & 3/defendant 2 & 3

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned I Additional District Munsif, Trichy, to dispose of the suit in O.S.No.1183 of 2015, within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

ORDER

The above Civil Revision Petition has been filed seeking a direction to the learned I Additional District Munsif, Trichy to dispose of the suit in O.S.No.1183 of 2015, within the stipulated time as fixed by this Court.

2. The petitioner would aver among things that the petitioner is the first defendant in the above suit and the plaintiff has filed the above suit for declaration to declare the impugned sale deed, dated 17.08.2015, registered as document No.5068 of 2015, said to have been executed by the first defendant in favour of the second respondent as null and void.

3.The petitioner further submitted that the plaint schedule property absolutely belongs to the defendants only and however, taking advantage of the pendency of the suit filed by the plaintiff, the plaintiff is creating serious hurdles in peaceful enjoyment of the property of the defendants. Since the prayer of



the suit to declare the impugned sale deed executed by the first defendant in favour of the second respondent as null and void, the first defendant is facing unnecessary disturbance in peaceful enjoyment of their property. He further submitted that the plaintiff, without conducting the suit, is getting adjournment of the matter without any reason and thus prolonging the case by keeping the case pending and disturbed the right of the defendants and therefore, the first defendant has come before this Court with the above Civil Revision Petition seeking 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.1183 of 2015 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 petitioners 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 District Munsif, Trichirappalli to dispose the suit in O.S.No.1183 of 2015 on merits and in accordance with law within a period of six 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-I)

/True Copy/

Sub Assistant Registrar

To

The I Additional District Munsif, Trichy.

+ 1 cc TO Mr.B.Jameel Arasu , Advocate in SR No. 85813

gsp/ssl

AE/MR KKR/SAR2/16.11.2017/2P/3C