



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.12.2017

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2281 of 2017

1.P.Muthuraman

2.P.Sivaraman

.. Petitioners/Petitioners/Defendants 1 & 2

vs .

1.K.Selvi

2.K.Muthukumar

3.K.Sethupathirajan

4.K.Prameshwari Rani

5.K.Balapunitham

6.K.Jansirani

7.K.Rajarajeswawari

8.K.Jayaseeli

9.Pondharmar

... Respondents 1 to 9/
Respondents 1 to 9/Plaintiffs

10.Seeladevi

11.Samayan@ Arivumalai

12.Palanisamy

13.Suresh

14.D.Jeyakumar

15.Senthilkumar

16.Abdulkareem

17.Sagunthala

18.Thayammal

19.P.Lakshmi Praba

20.Kemasari

21.S.A.Malik

22.S.A.Jamal

23.P.Karanthan

24.Kamala

25.Veeriyammal

26.Pechiyammal

27.Pakkiam

28.Jeyamani

29.Dhanalakshiammal

30.Sakthivel

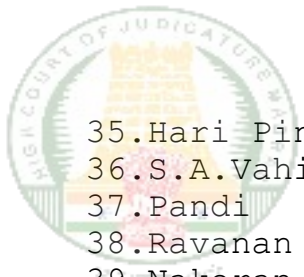
31.Adhilakshmi

32.Senthivel

<https://hcservices.ecourts.gov.in/hcservices/>

33.Adhimoolam

34.Sumathi



35.Hari Pinisha
36.S.A.Vahith
37.Pandi
38.Ravanan
39.Nakeran
40.Eswaran
41.Sivanammal
42.Selvaraj
43.Ponnalagu @ Meenakshi

... Respondents 10 to 43/
Respondents 10 to 43/Defendants 3 to 36

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Additional District Munsif, Madurai Town to dispose of I.A.No.420 of 2016 in O.S.No.386 of 2008 within time limit as fixed by this Court.

For Petitioners : Mr.N.Tamilmani

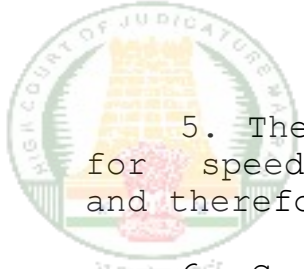
ORDER

The above Civil Revision Petition has been filed seeking a direction to the learned Additional District Munsif, Madurai Town to dispose of I.A.No.420 of 2016 in O.S.No.386 of 2008, within a stipulated time as fixed by this Court.

2. The petitioners are the defendants 1 and 2 in O.S.No.386 of 2008, on the file of the Additional District Munsif Court, Madurai. The petitioners, after receiving the copy of the plaint in O.S.NO.386 of 2008, filed O.S.NO.92 of 2009, before the District Munsif Court, Virudhunagar seeking the relief of declaration declaring the judgment and decree passed in O.S.No.176 of 1996, dated 11.07.1996 as null and void and will not bind as far as these petitioners are concerned. The petitioners also impleaded all the legal heirs of one Krishnan, who are the plaintiffs 1 to 8 in O.S.No.386 of 2008. The learned District Munsif, Virudhunagar decreed the above suit in O.S.No.92 of 2009 on 26.03.2010. Thereafter, the petitioners filed an application in I.A.No.420 of 2016 in O.S.No.386 of 2008 to exonerate the petitioners from the said O.S.No.386 of 2008, in view of the judgment passed in O.S.No.92 of 2009.

3. The learned Counsel for the petitioners would submit that though I.A.No.420 of 2016 is pending from the year 2016 onwards, the respondents did not appear in I.A.No.420 of 2016 and the matter was adjourned frequently. Hence, the petitioners have come before this Court by filing this Civil Revision Petition seeking early disposal of the I.A.

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



5. The prayer in the petition itself is with a limited prayer for speedy disposal of I.A.No.420 of 2016 in O.S.No.386 of 2008 and therefore, no notice is necessary to the respondent.

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 Additional District Munsif, Madurai Town to dispose of I.A.No.420 of 2016 in O.S.No.386 of 2008 on merits and in accordance with law within a period of two 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 (CO)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Madurai Town.

+ 1 CC TO Mr.N.TAMILMANI, ADVOCATE IN SR No. 91211

SSL

TE/SV-MMS/SAR-2 : 08/12/2017 : 3P/3C

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