



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

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WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU**C.R.P. (MD) No.2289 of 2017**

Kolammal @ C.S.Thangam

... Petitioner/1st Respondent/
Plaintiff

-Vs-

1.S.Subramonian

2.Bagvathiammal

... 1st & 2nd Respondents/Appellants/
1st & 2nd Defendants

3.Baby @ Rajeswari

... 3rd Respondents/2nd Respondent/
3rd Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of a direction directing the District Judge, Kanyakumari District at Nagercoil to dispose of the Appeal Suit in A.S.No.22 of 2013 within a time stipulated by this Court by allowing this Civil Revision Petition.

For Petitioner : Mr.D.Nallathambi

O R D E R

This Civil Revision Petition has been filed seeking a direction to the District Judge, Kanyakumari District at Nagercoil to dispose of the Appeal Suit in A.S.No.22 of 2013 within a time stipulated by this Court.

2.The learned counsel for the petitioner would aver among other things that the petitioner, as plaintiff, has filed the suit in O.S.No.113 of 2009 for declaration and recovery of possession and damages as against the respondents herein before the learned I Additional Subordinate Judge, Nagercoil. After elaborate trial, the suit was decreed with cost and three months period was granted for recovery of possession by judgment and decree dated 31.10.2012. Against which, the respondents 1 and 2 have preferred Appeal Suit in A.S.No.22 of 2013 before the District Judge, Kanyakumari District at Nagercoil. The said Appeal Suit was periodically adjourned and the same is posted on 17.01.2018 and therefore, the petitioner could not enjoy the fruit of the decree till now and therefore, the petitioner has filed the present Civil Revision Petition for early disposal of the Appeal Suit.



3. Since a direction for early disposal of the Appeal Suit is passed, no notice is necessary to the respondents herein.

4. Considering the facts and circumstances of the case and considering the fact that thought the decree was passed in the year 2012, the petitioner has not enjoyed the fruit of the decree till now, this Court feels that ends of justice would be met by directing the Court below to dispose of the Appeal Suit within a time frame. Without advertting to the merits of the case, a direction is issued to the learned District Judge, Kanyakumari District at Nagercoil, to dispose of A.S.No.22 of 2013 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To,

The District Judge, Kanyakumari District at Nagercoil.

+1cc to Mr.D.NALLATHAMBI Advocate in SR. No. 91300

CM

JS/JC/SAR.1/21.12.2017/2P-3C

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