



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.232 of 2017 (PD)

N.Saravanakumar

...Petitioner/Plaintiff No.9

Vs

1.The State of Tamil Nadu,
Rep. By its,
The District Collecotr,
Thiruchirappalli.

2.The Sub Registrar,
Lalgudi, Trichy District.

3.Mrs.Gowri Ammal

4.D.Swarnakumar

5.D.Ashokkumar

6.Sujath

7.D.Devadoss

8.Vasanthi

9.R.Elangovan

10.M.S.Kothari Sugars and Chemicals Ltd.,
Kattur, Lalgudi Taluk,
Rep. By its General Manager,
having office at
Kattur, Sirumayangudi Majra,
Lalgudi Taluk, Trichy District.

11.Tmt.Chinthamani ..Respondents 1 to 11/Defendants 1 to 11

12.N.Jothi @ Jothi Nagesharwaran

13.N.Sukumar,

14.N.Muralidharan

15.Tmt.Chitra

16.Tmt.Manorama

17.N.Janarthanam

18.Tmt.Sujithra

19.N.Sivakumar ..Respondents 12 to 19/Plaintiffs 2 to 8 and 10

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to direct the learned I Additional Sessions Judge, Trichy to dispose of the case in O.S.No.222 of 1987 pending on its filed within a time frame that may be fixed by this Court.



For Petitioner

: Mr.K.Kanimozhy

ORDER

The petitioner has filed this Civil Revision Petition to direct the learned I Additional Subordinate Court, Trichy to dispose of the case in O.S.No.222 of 1987 pending on its filed within a time frame that may be fixed by this Court.

2.The petitioner is the 9th plaintiff in the suit in O.S.No.222 of 1987. The original suit was filed by the petitioner's mother Tmt.Ramanikanthammal. After her death, the petitioner and other legal heirs were impleaded as plaintiffs. The suit filed for declaration that the Will dated 03.10.1986 executed by one Raja Chidambaram Reddiar in favour of fourth defendant registered on 11.12.1986 in the office of the second defendant Registrar Office as forged, fabricated false and concocted one.

3.The respondent filed written statement and stated that a portion of the property was acquired by the Government and third respondent filed LAOP No.10 of 2008 before the Sub Court, Perambalur for enhancement of the compensation. The third respondent filed Tr.C.M.P.No.2 of 2010 before the Principal Bench of this Court and by the order, dated 24.09.2010, this Court directed the learned Sub Judge, Perambalur to transfer all the connected records in L.A.O.P.No.10 of 2008 to the I Additional Subordinate Court, Trichy and to be tried along with present suit in O.S.No.222 of 1987. The said LAOP was re-numbered as LAOP No.12 of 2010 and both LAOP and the present suit is pending on the file of learned I Additional Sub Court, Trichy from the year 2010. Till date the learned I Additional Sub Judge, Trichy has not framed issues in the suit.

4.According to the petitioner, he filed three applications in I.A.Nos.184 to 186 of 2016 in O.S.No.222 of 1987 praying to send Will in question for Forensic verification. In spite of the direction given by this Court to hear the LAOP and the suit jointly, the respondents are not co-operating in conducting the trial. Issues are yet to be framed. In the circumstances, the petitioner has filed present Civil Revision Petition for speedy disposal of the suit in O.S.No.222 of 1987.

5.I have heard the learned counsel appearing for the petitioner and also perused all the materials on record.

6.Considering the fact that the suit has been filed by the mother of the petitioner in the year 1987 and issues are not yet framed, the Civil Revision Petition is allowed with following directions:-



(i) The learned Judge is directed to frame issues on the next hearing date.

(ii) The learned Judge is directed to dispose the applications in I.A.No.184 to 186.2016 filed by the petitioner on or before 30th April, 2017.

(iii) The learned I Additional Sub Court, Trichy is directed to dispose of O.S.No.222 of 1987 as expeditiously as possible, in any event, not later than, 31st July, 2017. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The I Additional Sub Court,
Trichy.

+1 cc to M/S.K.KANIMOZHY, Advocate SR.No.6073

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