



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM

WEB COPY

THE HON'BLE Mrs.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2504 of 2017

K.Ramasamy

... Petitioner/Plaintiff

-Vs-

1.M.Sakthivel
2.M.Shanmugam
3.M.Karthigaivel
4.Palaniammal
5.Deivanai
6.Ammaniammal

... Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to expedite and dispose of the original suit pending in O.S.No.508 of 2016 on the file of the Additional District Munsif Court, Dindigul within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.A.Saravanan

O R D E R

This Civil Revision Petition has been filed seeking a direction to the Additional District Munsif Court, Dindigul to dispose of O.S.No.508 of 2016 within a stipulated time as fixed 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.508 of 2016 on the file of the Additional District Munsif, Dindigul, for declaration and permanent injunction in respect of the suit schedule property. On 01.08.2017, the respondents have been set ex-parte and the suit was posted for ex-parte evidence on 19.08.2017. The evidence of the petitioner/ plaintiff has been closed on 19.08.2017 and arguments were also heard and the suit has been posted for judgment on 04.09.2017. At that point of time, the respondents have filed a petition to set aside the ex-parte order.

3. According to the learned counsel for the petitioner, the respondents have not appeared before the court and now they have filed a petition to set aside the ex-parte order to drag on the



proceedings in O.S.No.508 of 2016 and therefore, the petitioner has come forward with the Civil Revision Petition for early disposal of the suit.

4. The learned counsel for the petitioner further submits that the respondents have also filed another suit in O.S.No.462 of 2016 on the file of the Additional District Munsif, Dindigul and that is also pending before the same Court.

5. Since this Civil Revision Petition is filed for early disposal of the suit, no notice is necessary to the respondents herein.

6. Considering the facts and circumstances of the case and considering the fact that the respondents have filed set aside petition on 01.08.2017 and the same is pending till date and connected suit is also pending before the same court, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame along with connected suit. Without adverting to the merits of the case, a direction is issued to the learned Additional District Munsif Court, Dindigul, to dispose O.S.No.508 of 2016 along with O.S.No.462 of 2016 on merits and in accordance with law within a period of one year from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Dindigul.

+ 1 CC TO Mr.A.SARAVANAN, ADVOCATE IN SR No. 93784

CM

TE/SV-MMS/SAR-2 : 09/01/2018 : 2P/3C

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