



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.314 of 2017 (PD)

1.S.Goapalakrishnammal

2.S.Sivaram Subbiah

3.S.Sivabalakrishnan

4.S.Shanmuga Raja

..Petitioners/Petitioners/Plaintiffs

Vs.

1.S.Balasubramanian

2.B.Rajeeswari

..Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to issue a direction to the Learned Subordinate Judge, Kovilpatti to expedite the enquiry in I.A.No.287 of 2016 in O.S.No.43 of 2016 and pass Fair and decreetal order thereon within a reasonable time period.

For Petitioners : Mr.N.Dilip Kumar

ORDER

The petitioner has filed this Civil Revision Petition to direct learned Subordinate Judge, Kovilpatti to expedite the enquiry in I.A.No.287 of 2016 in O.S.No.43 of 2016 and pass Fair and decreetal order thereon within a reasonable time period.

2.The petitioners are the plaintiffs and the respondents are the defendants 1 & 2. The petitioners filed suit in O.S.No.43 of 2016, before the Sub Court, Kovilpatti, for declaration to declare that the "C" schedule properties solely belongs to the first petitioner as "Annastaram" until her life time and also for declaration to declare that document No.61/14, dated 08.01.2014 executed by the first respondent in favour of the Second respondent as null and void and for other reliefs. In the suit, the respondents filed written statement. Along with suit, the petitioners filed I.A.No.287 of 2016 under Order 39 Rule 1 & 2 of CPC for Temporary Injunction. On 17.10.2016, the respondents filed written statement and filed a memo stating that to treat the written statement as counter in the I.A. From that date onwards, the I.A., is adjourned without any progress. In the circumstances, the petitioner has come out with the present Civil Revision Petition for early disposal of the I.A.



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

4.Taking into consideration the material facts and circumstances, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the Sub Judge, Kovilpatti.

5.Accordingly, this Civil Revision Petition is allowed and the learned Sub Judge, Kovilpatti is directed to dispose of I.A.No.287 of 2016 as expeditiously as possible, in any event, not later than, 30th April, 2017. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

am

To

The Subordinate Judge, Kovilpatti.

+1CC to Mr.N.DilipKuar, Advocate Sr.No.9176

Gjm/RSK/10.3.17-2p-3C

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