



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2017

CORAM:

WEB COPY

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P (MD) No.334 of 2017 (PD)

Kanaram Soudry ..Petitioner/4<sup>th</sup> Respondent/5<sup>th</sup> Defendant

Vs.

1.Iyyappan ...1<sup>st</sup> Respondent/Appellant/Plaintiff

2.I.Sankar Makesh

3.K.V.Sureshkumar

4.M.Chandran

5.Thangam

6.Jenifer

7.Jeni (Minor)

(Minor represented by her

guardian mother, the 6<sup>th</sup> respondent)

...Respondents 2 to 7/Respondents 1 to 3, 5 to 7/

Defendants 1,3,4, 6 to 8

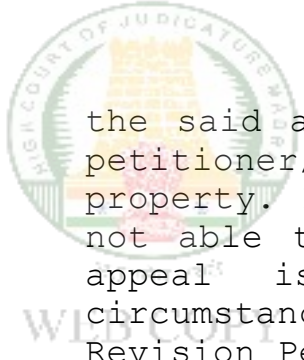
PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Principal District & Sessions Judge, Kanyakumari at Nagercoil to dispose the A.S.No.79 of 2014 in O.S.No.41 of 2010, on the file of the 1<sup>st</sup> Additional Subordinate Judge, Nagercoil dated 10.09.2014 a speedy manner within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.D.Saravanan

ORDER

The petitioner has filed this Civil Revision Petition to direct the Principal District & Sessions Judge, Kanyakumari at Nagercoil to dispose the A.S.No.79 of 2014 in O.S.No.41 of 2010, on the file of the 1<sup>st</sup> Additional Subordinate Judge, Nagercoil dated 10.09.2014 a speedy manner within a time frame as fixed by this Court.

2.The petitioner is the fifth defendant and the first respondent is the plaintiff and the respondents 2 to 7 are the defendants 1,3,4,6 to 8 in the suit. The first respondent filed suit in O.S.No.41 of 2010 before the I Additional Sub Court, Nagercoil for permanent injunction and other reliefs. The suit was decreed by the judgement and decree, dated 10.09.2014. The petitioner has filed first appeal in A.S.No.79 of 2014 before the Principal District & Sessions Court, Kanyakumari at Nagercoil challenging the said judgement and decree, dated 10.09.2014. In



the said appeal, all the respondents are entered appearance. The petitioner/5<sup>th</sup> defendant is the subsequent purchaser of the property. Due to the decree passed in the suit, the petitioner is not able to enjoy the property. In the circumstances, the first appeal<sup>s</sup> is kept pending, without any progress. In the circumstances, the petitioner has come out with the present Civil Revision Petition for early disposal of A.S.No.79 of 2014.

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 Principal District & Sessions Judge, Kanyakumari at Nagercoil.

5.Accordingly, this Civil Revision Petition is allowed and the learned Principal District & Sessions Judge, Kanyakumari at Nagercoil is directed to dispose of A.S.No.79 of 2014 as expeditiously as possible, in any event, not later than, 31<sup>st</sup> August, 2017. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Principal District & Sessions Judge,  
Kanyakumari at Nagercoil.

+One cc to Mr.D.Saravanan, Advocate, SR.No.9743

am

RL/3C/2P/MR/8.3.2017

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22.02.2017