



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.373 of 2017 (PD)

- 1.Ramayyan
- 2.Masilamony
- 3.Raveendran
- 4.Kamalakshmi

...Petitioners/Plaintiffs

Vs.

- 1.Nagamony
- 2.Paulraj
- 3.Kumaradhas
- Vijayakumar (Died)
- 4.Athimoolai Ammancoil
Rep. By it's President Uthamankutty
Pamman, NalloorDesom,
Nalloor Village,
Vilavancode Taluk,
Kanyakumari Taluk,
Kanyakumari District.

- 5.Nelson
- 6.Sarojam
- 7.Vijayakumari
- 8.Vijila
- 9.Abisha (minor)
- 10.Anusha (minor)

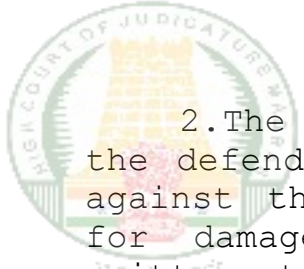
(Minor respondents 9 & 10 are
represented by her mother and natural
guardian the 8th respondent) ...Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Principal District Munsif, Kuzhithurai to dispose the suit in O.S.No.300 of 2005 along with O.S.No.353 of 2011 within time framed by this Court.

For Petitioners : Mr.S.Rajasekar

ORDER

The petitioner has filed this Civil Revision Petition to direct the Principal District Munsif, Kuzhithurai to dispose the suit in O.S.No.300 of 2005 along with O.S.No.353 of 2011 within time frame fixed by this Court.



2.The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit in O.S.No.300 of 2005 against the respondents before the District Munsif, Kuzhithurai for damages and permanent injunction. The respondents filed written statement on 03.03.2010. Issues were framed. Subsequently, the suit was posted for trial. The respondents also filed suit in O.S.No.353 of 2011 against the petitioners for declaration and permanent injunction before the District Munsif, Kuzhithurai. The petitioners filed Tr.O.P.No.298 of 2013 before the District Court, Nagercoil to transfer the suit in O.S.No.300 of 2005 pending on the file of the II Additional District Munsif, Kuzhithurai to the Principal District Munsif, Kuzhithurai for joint trial along with O.S.No.353 of 2011. The learned District Judge, by the order, dated 12.01.2015 ordered to transfer the suit in O.S.No.300 of 2005 pending on the file of the II Additional District Munsif, Kuzhithurai to the Principal District Munsif, Kuzhithurai to be tried along with O.S.No.353 of 2011. Both suits were heard and posted for trial. Subsequently, it was not taken up for hearing. In the circumstances, the petitioners have come out with the present Civil Revision Petition for early disposal of O.S.No.300 of 2005 along with O.S.No.353 of 2011.

3.I have heard the learned counsel appearing for the petitioners 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 learned Principal District Munsif, Kuzhithurai.

5.Accordingly, this Civil Revision Petition is allowed and the learned Principal District Munsif, Kuzhithurai is directed to dispose of O.S.No.300 of 2005 along with O.S.No.353 of 2011 as expeditiously as possible, in any event, not later than, 30th July, 2017. No costs.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To
The Principal District Munsif, Kuzhithurai.

Copy to:The Principal District Judge,
Kanyakumari at Nagercoil

+1cc to Mr.T.LajapathiRoy, Advocate SR.NO.10794