



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P (PD) (MD) No. 684 of 2017

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Majitha Begum

.. Petitioner

Vs.

1. Razia Begum
2. Rahamathunnissa
3. Jamal
4. Rabia
5. Idhayathullah
6. Liyakath Ali

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to direct the Lower Court for expeditious disposal of I.A.No.109 of 2017 in O.S.No.467 of 2011 on the file of the District Munsif Court, Tiruchirappalli, within a time frame fixed by this Court and thus render justice.

For Petitioner : Mr.M.Saravanan

For R5 : Mr.D.Senthil
Caveator for R5

ORDER

The case of the revision petitioner is that in a suit in O.S.No.467/2011 on the file of District Munsif Court, Trichy filed by him for bare injunction, the respondents herein has filed a counter claim for recovery of possession and the suit is pending. Since the matter is pending for a long time, the respondents approached this court for early disposal of the suit and this court considered the request and directed the Trial Court to dispose of the suit by 30.06.2017.

3. In the meanwhile, there was a fire accident in the suit premises leading to disconnection of the service connection at the behest of the respondent. Therefore, the petitioner has filed I.A.109/2017 for restoration of the electricity amenity, which is posted along with the suit. The grievance of the revision petitioner is that I.A. has to be taken up separately and to be considered at the earliest, so that he is not deprived as basic amenity.

<https://hcservices.ecourts.gov.in/hcservices/>
The learned counsel appearing for the 5th respondent caveator submitted that since this Court has already directed



the Trial Court to dispose of the suit by 30.06.2017, there is no necessity to take up the I.A. separately and dispose of it earlier. In order to avoid multiplication of proceedings it is more appropriate if both the I.A. and suit taken up together and disposed of within the time frame fixed by the High Court.

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5. This Court is of the opinion that there is no bonafide in the above submission of the respondent. The revision petitioner is presently deprived of the Electricity service, therefore, it is appropriate for the Trial Court to decide the I.A. at the earliest not later than 13.04.2017.

6. The revision petitioner is also directed to commence the Trial in O.S.No.467/2011 by filing his proof affidavit on 17.04.2017 and the Trial Court may take up the trial of the suit on day to day basis and dispose of the suit within the time frame, that was already fixed by this Court. The Civil Revision Petition is disposed of accordingly.

7. No Costs.

Sd/-

Assistant Registrar (AD II)

/True Copy/

Sub Assistant Registrar

To
The District Munsif,
Tiruchirappalli.

+1cc to M/s D.Senthil, Advocate, Sr No.19384
+1cc to M/s R.Subramanian, Advocate, Sr No.50037

ORDER MADE IN
C.R.P (PD) (MD) No.684 of 2017
04.04.2017

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