



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD)No.815 of 2017

and

C.M.P. (MD)No.8534 of 2017

Narendra Jhorbadey

: Petitioner

vs.

1.R.Thangaraj

2.M.Krishnan

3.Maruthamuthu

4.Selvam

: Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, praying for a direction to the Subordinate Court, Palani, Camp Court, Kodaikanal to dispose of A.S.No.10 of 2009 against O.S.No.31 of 2004 in a time frame.

For Petitioner

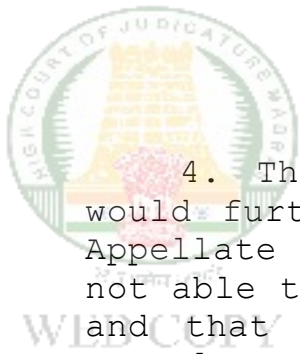
: Mr.J.M.Hassanul Bazari

ORDER

The above Civil Revision Petition has been filed seeking a direction to the Subordinate Judge, Palani, Camp Court at Kodaikanal to dispose of A.S.No.10 of 2009 against O.S.No.31 of 2004 within a stipulated time as fixed by this Court.

2. The learned Counsel for the petitioner/second defendant would submit that originally the suit was numbered as O.S.No.81 of 1999 and it was transferred to the Subordinate Court, Palani for want of jurisdiction and the same was renumbered as O.S.No.31 of 2004 and the same was dismissed by the trial Court on 23.12.2008, against which the plaintiff filed an appeal in A.S.No.10 of 2009 before the lower Appellate Court and till date, the same was pending without any progress.

3. The learned Counsel for the petitioner would further submit that the petitioner/ second defendant is a senior citizen and he is a sickly person and therefore, he wants to see the light of his case during his life time and hence, he filed the present petition seeking for a direction to the Subordinate Judge, Palani, Camp Court at Kodaikanal to dispose of A.S.No.10 of 2009 against O.S.No.31 of 2004 within a stipulated time.



4. The learned Counsel for the petitioner/second defendant would further bring to the notice of this Court that the first Appellate Court is having Camp Court at Kodaikanal and hence it is not able to sit continuously and the case was adjourned frequently and that is also the reason for the delay in proceeding the appeal. Hence, he prays for a direction for earlier disposal of the first appeal.

5. Heard the learned Counsel for the petitioner and perused the materials available on record.

6. Having regard to the submissions made by the learned Counsel for the petitioner and also taking into consideration the limited prayer sought for in this Civil Revision Petition, without expressing any opinion with regard to the merits of the case, this Court directs the Subordinate Judge, Palani, Camp Court, Kodaikanal to dispose of the first appeal in A.S.No.10 of 2009 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Court, Palani,
Camp Court, Kodaikanal.

+1cc to M/S.J.M.HASSANUL BAZARI, Advocate SR.No.81503

ssl/vsg

MAS/SKN-RSK/SAR2:13.10.2017:2P-3C

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