



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.88 of 2017 (NPD)

Muthusamy

.. Petitioner/Petitioner/Plaintiff

Vs.

1.Sampath

2.Loganathan

..Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Sub Court, Pudukottai to expeditiously hear the petition in E.P.No.3 of 2016 in O.S.No.31 of 2010, on the file of the District Munsif-cum-Judicial Magistrate Court, Orathanadu.

For Petitioner : Mr.R.Maheswaran

ORDER

The petitioner has filed this Civil Revision Petition to direct the Sub Court, Pudukottai to expeditiously hear the petition in E.P.No.3 of 2016 in O.S.No.31 of 2010, on the file of the District Munsif-cum-Judicial Magistrate Court, Orathanadu.

2.The petitioner is the plaintiff. The respondents are the defendants. The petitioner filed suit in O.S.No.31 of 2010 before the District Munsif-cum-Judicial Magistrate, Orathanadu, for declaration and for recovery of possession. The said suit was decreed by the judgement and decree, dated 30.11.2011. Against the said judgement and decree, the respondents filed first appeal in A.S.No.41 of 2012 before the Sub Court, Pattukottai. Pending first appeal, the petitioner filed E.P.No.7 of 2012. In view of the pendency of the appeal, the petitioner subsequently withdrew the E.P.No.7 of 2012. By the Judgement and decree, dated 16.12.2014, the first appeal was dismissed confirming the judgment and decree passed by the learned District Munsif-cum-Judicial Magistrate, Orathanadu. After dismissal of the first appeal, the petitioner filed E.P.No.3 of 2016. In the E.P., notice was served on the respondents and the respondents entered appearance through Advocate and took time for filing counter and the respondents did not file the counter prolonging the matter. The petitioner is a senior citizen and he is not able to enjoy the fruits of the decree. In the circumstances, the petitioners have come out with the present Civil Revision Petition.



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

4.Having been taken into consideration of 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 Court, Pudukottai.

5.Accordingly, this Civil Revision Petition is allowed and the learned Sub Judge, Pudukottai is directed to dispose of E.P.No.3 of 2016 in O.S.No.31 of 2010 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,
Sub Court, Pudukkottai.

COPY TO:

THE SECTION OFFICER, V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1cc to Mr.R.MAHESWARAN, Advocate Sr.No. 3007

JAM/07.02.17/SV-MMS/2P-4C

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