

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 10.11.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P. (PD) (MD) .No.668 of 2016**

Mala Shankar
represented by her
General Power of Attorney Holder,
T.Shankara Lingam.

... Petitioner/Plaintiff

Vs.

1. K.Ramamirtham
2. K.Thilagar
3. J.Shri Ragavendra
4. J.Shri Ram
5. J.Jawahar
6. J.Utham Kumar
7. J.Suresh Singh
8. S.Jaber Singh
9. J.Vasantha Devi
- 10.The Sub Registrar,
Joint III Sub Registrar Office,
Town Hall,
Trichy -2.

... Respondents/Defendants

PRAYER: The Civil Revision Petition is filed to expedite the suit in O.S.No.802 of 2015 on the file of the learned I Additional District Munsif, Tiruchirapalli.

For Petitioner	: Mr.AL.Kannan
For R1 to R5	: Mr.R.Sundar Srinivasan
For R6 to R9	: No appearance
For R10	: Mr.V.Muruganandam Additional Govt. Pleader

O R D E R

The Civil Revision Petition is filed by the petitioner for expediting the suit in O.S.No.802 of 2015 on the file of the learned I Additional District Munsif, Tiruchirapalli.

2. The case of the petitioner is that he is a builder and doing construction business of building constructions under the name and style of 'Shankar Abodes' and as per the joint agreement, the petitioner had to construct 15728 sq.ft. in the lands belonging to the defendants on 50:50 ratio. According to the petitioner, the construction is also one on investment of huge amount of money. Since the fourth respondent happened to be a minor, for sale of his



share, the respondents 1 to 3 and 5 filed G.W.O.P.No.18 of 2009 before the Ist Additional District Judge, Trichy. Under the pretext of filing the above G.W.O.P., the respondents 1 to 3 and 5 have got the original joint venture agreement from the petitioner. Thereafter, they have manipulated the document and fabricated the same and they instigated two suits to be filed, one by adjacent owners in O.S.No.1443 of 2009 before the District Munsif Court, Trichy and another by one Gunalan, claimaing 1/4th share in the suit property. A power in favour of the petitioner executed in pursuance of the joint agreement was also illegally cancelled.

3. According to the petitioner, all the respondents colluded and created sale deeds in respect of some shops constructed by the petitioner and created encumbrance in the property. Hence, a criminal complaint was lodged and an F.I.R. was also registered. In the above background, the petitioner has filed the above suit praying for declaration and injunction.

4. The learned counsel for the petitioner would submit that the petitioner has invested huge amount and the suit has been filed in the year 2015 and if the suit is not disposed of at the earliest point of time, serious prejudice would be caused to the petitioner.

5. The learned Additional Government Pleader takes notice for the 10th respondent and would submit that the petitioner has filed an application for appointment of Commissioner and unless and until the said application is disposed of, the trial Court may not be in a position to proceed with the suit.

6. Considering the above facts and circumstances of the case and also considering the submission made by the learned Additional Government Pleader, if a direction is given to the trial Court to dispose of the suit, ends of justice would be met. Accordingly, without advertting to the merits of the case, I Additional District Munsif, Tiruchirapalli is directed to dispose of the suit in O.S.No.802 of 2015 within a period of eight months from the date of receipt of a copy of this order. Accordingly, the Civil Revision Petition is allowed. No costs.

7. It is represented that Mr.VR.Shanmuganathan has given a letter to the Registry to withdraw his vakalat on behalf of the petitioner and the Registry is directed to remove his name.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

The Ist Additional District Munsif,
Tiruchirapalli.

+1cc to Mr.AL.KANNAN Advocate in SR. No. 86497

+1cc to Mr.R.SUNDAR SRINIVASAN Advocate in SR. No. 87117

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 86893

AKV

JS/MR.KKR/SAR.3/05.12.2017/3P-5C

C.R.P. (MD) .No.668 of 2016
10.11.2017