

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P.(PD).No.1384 of 2018

1. Poongodi
2. Loganayaki (Deceased) ... Petitioners

Vs

1. Arumugham
2. Dilli ... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the District Munsif Court, Chengalpattu to take up the O.S.No.112 of 2006 filed by the petitioner and complete the proceedings within a time prescribed / stipulated by this Court.

For Petitioner : Mr.S.Sivalinga Kesavan

ORDER

The plaintiff in O.S.No.112 of 2006 on the file of the District Munsif Court, Chengalpattu is the petitioner herein. She has come forward with this petition invoking Article 227 of the Constitution of India to direct the learned District Munsif for expediting the trial of the suit.

2. The plaintiffs have laid a suit for partition in O.S.No.112 of 2006. Out of two plaintiffs, the 2nd plaintiff had died and to bring on record the legal representatives of the deceased 2nd plaintiff, an interlocutory application in I.A.No.439 of 2012 was filed. This is pending. In the meantime, the defendants have sold some of the suit properties and to restrain them from doing so, the plaintiffs have also filed an I.A.No.1153 of 2016 and this also pending.

3. Narrating the above facts, the learned counsel for the petitioners submitted that the pleadings in the case is settled and the parties are put to much disadvantage as the trial of the case has not been concluded.

4. On the face of it, this Court impressed with the prayer sought in the petition. The suit is pending for 12 years, and now to bring on record the legal representative of the 2nd plaintiff I.A.1153 of 2016 is pending since 2012. If the Court does not show any urgency even to consider the application to bring on record the legal representatives of the deceased 2nd plaintiff, it would be frustrating for the litigant, in the instant case the plaintiff, to wait for justice.

5. The learned Principal District Judge, Chengalpattu is required to call for explanation from the learned District Munsif, as to why he has not disposed of even an interlocutory application in I.A.No.439 of 2012 till date and why he has not shown requisite interest to expedite the trial of the matter despite the fact that the suit is pending for 12 years from now.

6. In conclusion, this Civil Revision Petition is allowed and the learned District Munsif, Chengalpattu is directed to take up the matter in O.S.No.112 of 2006 and expedite the disposal who shall conclude the same on or before 31.08.2018. No costs.

ssn

16.04.2018

Note: Issue order copy on 18.04.2018.

To

1. The Principal District Judge,
Chengalpattu.
2. The District Munsif Court,
Chengalpattu.

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N.SESHASAYEE, J.,
ssn



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