



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD)No.100 of 2018

Muthu Krishnan

... Petitioner / Petitioner / Plaintiff

vs.

1.Abdul Salam

2.Fathima Rani

... Respondents /Respondents /
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai to expedite the proceedings of I.A.No.54 of 2016 in O.S.No.34 of 2016 pending on the file of the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai and to dispose of the same within a time frame fixed by this Hon'ble Court.

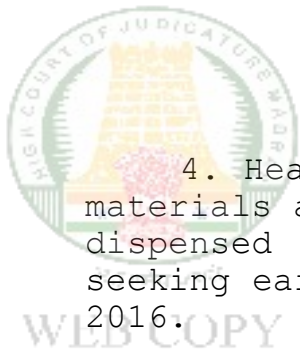
For Petitioner : Mr.V.A.Dhana Aravindha Balaji

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai, to dispose of the I.A.No.54 of 2016 in O.S.No.34 of 2016, within a stipulated time as may be fixed by this Court.

2. According to the petitioner, the suit property belongs to him and he came to know that the respondents/defendants, who are his neighbours as well as owners of the adjacent land, are attempting to encroach the suit property, by taking advantage of the petitioner's absence. The respondents, being politically and financially influential persons, had started construction activities in the suit property and having left with no other option, the petitioner, as plaintiff, has instituted a suit in O.S.No.34 of 2016, along with an interlocutory application in I.A.No.54 of 2016. Though the said I.A., petition was allowed and Advocate Commissioner was appointed, the matter was continuously adjourned for Commissioner's report. Aggrieved over the same, the petitioner is before this Court.

3. The learned Counsel for the petitioner would submit that the petitioner is aged about 59 years. He further submit that the I.A.No.54 of 2016 in O.S.No.34 of 2016 was allowed on 15.03.2016 and right from the year 2016, the matter was continuously adjourned for want of Commissioner's report. Though preliminary report was filed, final report was yet to be filed by the Advocate Commissioner. Hence, he seeks a direction to the lower Court for expediting the process.



4. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondents is dispensed with, since the prayer itself is for a limited scope seeking early disposal of the said I.A.No.54 of 2016 in O.S.No.34 of 2016.

5. It is seen that though Advocate Commissioner was appointed as early as on 15.03.2016, no final report has been filed till date. The reason for non-filing of final report for the past two years is not known.

6. Under such circumstances and also taking into account the limited scope of the prayer sought for, this Court, without going into the merits of the case, directs the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai to dispose of the I.A.No.54 of 2016 in O.S.No.34 of 2016, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

The Additional District Munsif Cum Judicial Magistrate,
Manamadurai.

+1cc to M/S.DHANA LAW ASSOCIATES, Advocate, SR. 42822

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19.01.2018

GK

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