



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.R.P. (PD) (MD) Nos.204 and 214 of 2018

C.R.P. (PD) (MD) No.204 of 2018

T.Dhayalan

.. Petitioner / Appellant

Vs.

1.M/s.Messrs Arasan Machinery Service,
No.10E/2, Trivandrum Road,
Palayamkottai,
Tirunelveli.

2.T.Janagarajan

3.T.Sivakumar

4.B.Balakrishnan

5.T.Sankar

... Respondents / Respondents

C.R.P. (PD) (MD) No.214 of 2018

T.Dhayalan

.. Petitioner / Appellant

Vs.

1.T.Janagarajan

2.T.Sivakumar

3.B.Balakrishnan

... Respondents / Respondents

COMMON PRAYER: Petitions filed under Article 227 of the Constitution of India, to direct the learned IV Additional District Judge, Tirunelveli to expedite the Trial in A.S.Nos.48 and 49 of 2015, within time frame as may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For Respondents : No Appearance.

COMMON ORDER

These Civil Revision Petitions have been filed seeking a direction to the learned IV Additional District Judge, Tirunelveli, to dispose of the Appeal suits, within a stipulated time as fixed by this Court.



taken up together for hearing and are being disposed of by this common order.

3. The petitioner is the Appellant in the Appeal suits and the Appeal suits have been filed to set aside the judgment and decree dated 11.07.2014, passed in O.S.Nos.186 of 2010 and 140 of 2011 on the file of the Additional Subordinate Court, Tirunelveli. According to the petitioner, the appeal suits are pending for more than three years and in respect of O.S.No.186 of 2010 the case was adjourned for respondents' side argument on 27.01.2017. Similarly, in respect of O.S.No.140 of 2011 the appellant's side argument was heard on 15.07.2017 and the case was adjourned for respondent's side argument on 20.08.2017. Thereafter, both the matters have been adjourned for respondents' side argument for several times. But, till date, the respondents are not ready to argue the matter and proceed the case. Therefore, the petitioner has filed the present petitions seeking early disposal of the same.

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

5. The prayer in these petitions itself is with a limited scope for speedy disposal of the appeal suits. Though notice was served to the respondents, none of them appeared.

6. Considering the fact that the matter is of the year 2015 and the attitude of the respondents in prolonging the matter for years together, this Court is of the view that the interest of justice would be sub-served, if a direction is issued to the learned Trial Court to dispose of Appeal Suits in A.S.Nos.48 and 49 of 2015.

7. In the result, the learned IV Additional District Judge, Tirunelveli, is directed to dispose of A.S.Nos.48 and 49 of 2015, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

8. These Civil Revision Petitions are ordered accordingly.
No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

The IV Additional District Judge, Tirunelveli.

+2cc to Mr.R.SENTHILKUMAR, Advocate, SR.49503, 49504

C.R.P. (PD) (MD) Nos.204 and 214 of 2018
19.02.2018

RM

<https://hcservices.ecourts.gov.in/hcservices/>

KK/SV MMS/SAR 4/27.02.2018/ 2P- 4C/