



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.332 of 2018 (PD)

Birundha

... Petitioner/Plaintiff

Vs.

1.Surili Vellammal
2.Prabakaran
3.Raviprakash
4.Kalavathy

... Respondents/Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, seeking for a direction to conduct the case in O.S.No.96 of 2015 on the file of the District Munsif, Bodinacikanur, or by any competent Court nearby, on day to day basis within a stipulated time.

For Petitioner : Mr.S.Muthalraj

ORDER

This civil revision petition has been filed by the revision petitioner / plaintiff, seeking a direction to the learned District Munsif cum Judicial Magistrate, Bodinaickanur or any competent Court nearby the jurisdiction Court to dispose of the case in O.S.No.96 of 2015 within a stipulated period.

2. It is stated in the petition that the suit has been filed by the revision petitioner / plaintiff for partition. Though the suit plaintiff has been filed by the revision petitioner as early as on 08.09.2015, the case is being adjourned periodically without any valid reason and that the same is pending without any progress, due to non availability of the Presiding Officer. Hence, the petitioner has come up with this petition for the aforesaid prayer.

3. When the matter came up for hearing on 21.02.2018, this Court posed a question to the learned counsel for the revision petitioner as to whether the Judicial Officer post is still vacant in that place? for which the learned counsel for the revision petitioner requested time to verify and report the same. Today, when the matter is taken up for hearing, the learned counsel for the



revision petitioner submitted that now the Judicial Officer is posted in that place and therefore, the very same Court may be directed to dispose of the suit within a stipulated period.

4. Since the petition is filed for a limited relief of early disposal, no notice need be sent to the respondents.

5. Considering the limited relief sought for by the revision petitioners / defendants and also considering the fact that the suit has been filed in the year 2015, without going into the merits and demerits of the allegation raised by the revision petitioner, this civil revision petition is disposed of with the following directions:

The learned District Munsif cum Judicial Magistrate, Bodinaickanur, is directed to dispose of the suit in O.S.No.96 of 2015, pending on his file, on merits and in accordance with law, as early as possible, preferably within a period of one year from the date of receipt of copy of this order. Both the parties are also directed to cooperate with the trial Court for early disposal.

6. No order as to costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Bodinaickanur.

+ 1 CC TO Mr.S.MUTHALRAJ, ADVOCATE IN SR No. 56450

GCG

TE/SKN-RSK/SAR-1 : 03/04/2018 : 2P/3C

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