

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.03.2018****CORAM :****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.R.P. (PD) (MD) No.572 of 2018**

Kathayee ... Petitioner / Petitioner / Defendant

vs.

Subramanian ... Respondent / Respondent / Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Pattukottai, to expedite and dispose of I.A.No.475 of 2016 in O.S.No.58 of 2015 on the file of the Sub Court, Pattukottai, within a stipulated time limit.

For Petitioner : Mr.M.P.Senthil

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Pattukottai, to dispose of the interlocutory application in I.A.No.475 of 2016 in O.S.No.58 of 2015, within a stipulated time limit.

2. Among other things, the learned Counsel for the petitioner would submit that the respondent herein, as plaintiff, has filed the suit in O.S.No.58 of 2015 before the Sub Court, Pattukottai, against the petitioner herein/defendant for the relief of partition, wherein, the petitioner has also filed her detailed written statements. According to the petitioner, the respondent, by suppressing certain material facts, including the order of the Revenue Divisional Officer, Pattukottai dated 18.02.2014 cancelling the legal heirship certificate; and patta transfer order dated 17.05.2013 issued by the Tahsildar, Peravurani; etc., has filed the suit and therefore, the petitioner has filed an interlocutory application in I.A.No.475 of 2016 to reject the plaint. It is the grievance of the petitioner that the respondent, instead of contesting the case, is dragging on the proceedings by availing mechanical adjournments and hence, the petitioner is before this Court for the aforesaid relief.



3. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondent is dispensed with, since the prayer itself is for a limited scope seeking early disposal.

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4. Perusal of the B-Diary Extract would fortify the contention of the learned Counsel for the petitioner.

5. Considering the facts and circumstances of the case and also the limited scope of the relief sought for, this Court is of the view that ends of justice will be met if a direction is issued to the learned Judge for early disposal of the proceedings. Accordingly, without adverting into the merits of the case, the learned Subordinate Judge, Pattukottai, is directed to dispose of the interlocutory application in I.A.No.475 of 2016 in O.S.No.58 of 2015 within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Pattukottai.

Gk

MV:SV-MMS:SAR2:27/03/2018/2P/2C

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