



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.525 of 2018

WEB COPY

P.Deepan Subahar

... Petitioner/Appellant

vs.

P.Kamuthayee

... Respondent/Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the trial Court to dispose of A.S.No.79 of 2017 on the file of Sub Court, Palani Camp at Kodaikanal in O.S.No.88 of 2012 on the file of District Munsif Court, Kodaikanal, within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.K.Samidurai

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Palani Camp at Kodaikanal, to dispose of the appeal in A.S.No.79 of 2017, within a stipulated time limit.

2. Among other things, the learned Counsel for the petitioner/plaintiff would submit that the suit property originally belongs to the respondent herein/petitioner's mother and vide settlement deed dated 28.09.2011, the petitioner acquired the property and the same was registered as Document No.1929 of 2011 before the Sub Registrar Office, Kodaikanal. Such being so, the respondent, after a period of eight months, without any notice to the petitioner, has cancelled the deed. Aggrieved over the same, the petitioner has filed the suit in O.S.No.88 of 2012, for the relief of declaration and permanent injunction and by order dated 25.10.2017, the trial Court has dismissed the suit. Challenging the same, he has filed A.S.No.79 of 2017, which is said to be pending. Apprehending some urgency over the same, the petitioner is before this Court seeking a direction for early disposal of the appeal proceedings.

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 of the appeal proceedings.

4. Though the appeal is of the year 2017, considering the facts and circumstances of the case and also the fact that the suit is of the year 2012, 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 appeal proceedings. Accordingly, without adverting



into the merits of the case, the learned Subordinate Judge, Palani Camp at Kodaikanal, is directed to dispose of the appeal in A.S.No.79 of 2017 within a period of six months from the date of receipt of a copy of this order.

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

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Palani Camp at Kodaikanal.

2.The District Munsif , Kodaikanal

+1cc to Mr.K.Samidurai Advocate, SR.No. 55030

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gk

KK/SKN RSK/16.03.2018/SAR-4/2P-4C