



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. (PD) (MD) No.587 of 2018

Rajeshwari

... Petitioner/Plaintiff

vs.

1.Dhineshkumar

2.Vimala

3.V.S.Veereswaran

... Respondents/Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Aruppukottai to dispose of O.S.No.76 of 2012, within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.V.Perumal

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Aruppukottai, to dispose of the suit in O.S.No.76 of 2012, within a stipulated time limit.

2. The learned Counsel for the petitioner would submit that the petitioner, as plaintiff, has filed the suit in O.S.No.76 of 2012 before the Sub Court, Aruppukottai, praying

- for passing a preliminary decree for getting separate possession over the plaintiff's 4/9 shares in 1st and 2nd schedule property and 4/27 share in the 3rd schedule property;
- for declaring the deed (vide No.3913/2006), registered at Sub-Registrar Office, Aruppukottai, executed by the petitioner/plaintiff in favour of the 1st defendant as void; and
- for permanent injunction and for other reliefs.

It is the grievance of the petitioner that though written statements were filed as early as in the year 2014, issues have not yet been framed and as such, the suit is still pending. Hence, the petitioner is before this Court.

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3. 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 suit proceedings.

4. At the time of filing this civil revision petition, the petitioner has filed a civil miscellaneous petition to dispense with the production of the B-Diary Extracts of O.S.No.76 of 2012. This Court, by order dated 05.03.2018, has allowed the said petition. Since B-Diary Extract enables the Courts to peruse the details regarding the adjournments granted in a particular case as well as its status, this Court, however, called for a report from the learned Sub Judge, Aruppukottai, as to why the petitioner's request seeking copies of B-Diary Extract was denied.

5. Pursuant to the same, the learned Judge has submitted his report dated 15.03.2018 and the same is perused and placed on record.

6. 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 suit proceedings. Accordingly, without advertting into the merits of the case, the learned Subordinate Judge, Aruppukottai, is directed to dispose of the suit in O.S.No.76 of 2012 within a period of one year from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Aruppukottai.

Copy to:

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Mr.V.Perumal , Advocate in SR No. 56118

gk

AE/JC/SAR1/06.04.2018/2P/5C

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