



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.695 of 2018

Sundarampillai

.. Petitioner/ Respondent/ Defendant

Vs.

Jothi

..Respondent /Appellant /Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Kovilpatti to dispose of the A.S. No.3 of 2017, within a time limit fixed by this Court.

For Petitioner : Mr.J.C.Rathnavel Pandian

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Kovilpatti to dispose of the A.S. No.3 of 2017, within a stipulated time as fixed by this Court.

2. The petitioner would submit that the respondent/plaintiff has filed a suit in O.S.No.288 of 2013 for the relief of declaration and permanent injunction. The said suit was dismissed on 30.01.2017, against which the respondent herein / plaintiff has preferred an appeal in A.S.No.3 of 2017. Though the appeal has been filed in the year 2017, the same is pending for the past one year without any progress. The respondent herein filed an Interlocutory Application in I.A.No.50 of 2017 for interim stay. The petitioner would further submit that he is a senior citizen, aged about 71 years and he is ready to get along with the main appeal. But the respondent is prolonging the matter by filing unnecessary interim applications. Though the petitioner got a decree in his favour, he is not able to enjoy the fruits and therefore, the petitioner has come up with this civil revision petition for the aforesaid prayer.

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



4. Since the case is for a limited relief of early disposal, no notice is necessary to the respondent.

5. A perusal of the 'B' Diary extract would go to show that as stated by the learned counsel for the petitioner, the case has been continuously adjourned from 04.08.2017 for arguments, till 06.03.2018. Now the case was posted for arguments on 26.03.2018. Considering the age of the petitioner and also considering the circumstances of the case, this Court feels that ends of justice would be met, if the Court below is directed to dispose of the appeal suit in A.S.No.3 of 2017, within a stipulated period.

6. In view of the above, the learned Subordinate Judge, Kovilpatti, is directed to dispose of the appeal suit in A.S.No.3 of 2017, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

7. The Civil Revision Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Kovilpatti.

+ 1 cc TO Mr.J.C.Rathinavel Pandian , Advocate in SR No. 58550

rm
AE/SKN RSK/SAR3/11.04.2018/2P/3C

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