



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP (MD).No. 934 of 2018 (PD)

Shanmugamsundaram .. Revision Petitioner/Plaintiff

Vs.

1. Ramadurai
2. Selvasivagami
3. Chinnammal
4. The District Collector,
Sivagangai Town,
Sivagangai District.

5. The Tahsildar,
Tahsildar Office,
Thirupathur Taluk,
Sivagangai District.

.. Revision Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned Principal Judge, Sivagangai to dispose the Withdrawal Memo dated 09.11.2017 filed by the Plaintiff in O.S.No.3 of 2017 on the file of the learned Principal District Judge, Sivagangai as expeditiously within a period stipulated by this Court.

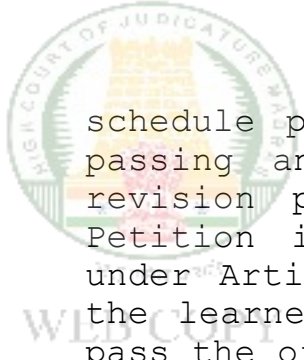
For Revision Petitioner : Mr. D.Parisuthanathan
For Revision Respondents-4 & 5 : Mrs.V.P.M.Vaishnavi,
Government Advocate.

O R D E R

The Civil Revision Petition has been filed by the Revision Petitioner seeking direction to expedite the disposal of the Withdrawal Memo, dated 09.11.2017 filed by the plaintiff in O.S.No.3 of 2017, on the file of the learned Principal District Judge, Sivagangai within time frame fixed by this Court.

2. Mrs.V.P.M.Vaishnavi, learned Government Advocate take notice for Respondents-4 & 5.

3. The revision petitioner is the plaintiff and the respondents are the defendants in O.S.No.3 of 2017. The plaintiff has filed a Withdrawal Memo dated 09.11.2017 seeking to withdraw the suit in respect of part of claim (i.e.,) in 'A'



schedule property. The said Withdrawal Memo is pending without passing any orders before the trial Court. Therefore, the revision petitioner has come forward with this Civil Revision Petition invoking the extraordinary jurisdiction of this Court under Article 227 of Constitution of India, seeking direction to the learned Principal District Judge, Sivagangai to consider and pass the order within the stipulated time.

4. Heard both side and perused the available records.

5. The plaintiff has filed a Withdrawal Memo, dated 09.01.2017 on the file of the learned Principal District Judge, Sivagangai and the same is pending without filing counter by the other side and was adjourned periodically without issuing notice.

6. No prejudice would be caused to the respondents, if this Court directs the learned Principal District Judge, Sivagangai to pass an order in Withdrawal Memo dated 09.01.2017 within a period stipulated by this Court. In view of the limited scope of the prayer sought for by the petitioner, I am inclined to pass the following Order.

7. In the result,

(i). this Civil Revision Petition No.934 of 2018 is disposed of.

(ii). the learned Principal District Judge, Sivagangai is directed to dispose of Withdrawal Memo, dated 09.01.2017 within a period of two months from the date of copy of receipt of this order by conducting the trial on day to day basis without giving unnecessary adjournments to either parties and the parties are directed to give their fullest cooperation for the early disposal. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To
The Principal District Judge,
Sivagangai.

+1 cc to Special Government Pleader SR.No.64114

+1 cc to MR.D.PARISUTHANATHAN, Advocate SR.No.63643

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26.04.2018