



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1207 of 2018

Ponnesam Nadachi .. Petitioner/Defendant
Vs.

T.Ramadhas .. Respondent/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Principal District Munsif, Eraniel to dispose of the suit in O.S.No.72 of 2011, within the time stipulated by this Court.

For Petitioner : Mr.T. Arul

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Munsif, Eraniel to dispose of the suit in O.S.No.72 of 2011, within the time stipulated by this Court.

2. The petitioner/defendant is a mother, who is aged about 85 years and the respondent/plaintiff is a son. The respondent/plaintiff has filed a suit in O.S.No.72 of 2011, against his mother for permanent injunction. During the pendency of the suit in O.S.No.72 of 2011, the respondent herein has filed an interlocutory application in I.A.No.457 of 2013 to amend the plaint for the following three relief; (i). to declare title and possession for the suit property in favour of the plaintiff, (ii). permanent injunction restraining the defendant from committing out of waste like cutting and removing trees, (iii). to declare the cancellation deed dated 07.07.2010 relied by the defendant is a sham nominal and in-operative and void ab-initio.

3. The grievance of the revision petitioner is that the petitioner has filed an interlocutory application in I.A.No.1 of 2018, seeking to examine the petitioner, taking note of age and health conditions and no counter has been filed by the respondent/plaintiff. The matter is pending from the year 2011 and the same is being adjourned by the trial Court periodically without any further progress and therefore, she has come up with this civil revision petition for the aforesaid prayer.



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

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 adjourned on several occasions without any valid reason. Therefore, this Court, without going into the merits of the allegation raised by the revision petitioner, is inclined to direct the Court below to dispose of the suit in O.S.No.72 of 2011, within a stipulated period.

6. In view of the above, the learned Principal District Munsif, Eraniel, is directed to dispose of the suit in O.S.No.72 of 2011, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after issuing notice to both the parties.

7. The Civil Revision Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif,
Eraniel.

+1CC to Mr.T.Arul Advocate in SR.No.69305.

KSA

DS/VR/SAR-4 :06.07.2018: 2P/3C

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