



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.897 of 2017

1.Subramanian
2.Kulanthai Alavar
3.Anandan
4.Gurusamy
5.Shankar

...Petitioners/Plaintiffs

Vs.

Oomaithurai

...Respondent/Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned District Munsif cum Judicial Magistrate, Vilathikulam to dispose of the suit in O.S.No.63 of 2014, which is pending on its file within the stipulated time in accordance with law.

For Petitioners : Mr.M.Subash Babu

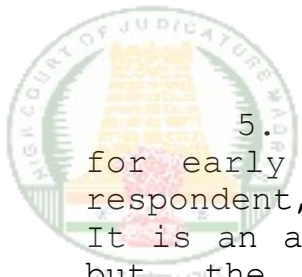
O R D E R

This Civil Revision Petition is filed for a direction to the learned District Munsif cum Judicial Magistrate, Vilathikulam to dispose of the suit in O.S.No.63 of 2014, which is pending on its file within the stipulated time in accordance with law.

2.The petitioners are the plaintiffs have filed a suit in O.S.No.63 of 2014 before the District Munsif cum Judicial Magistrate, Vilathikulam, for declaration and permanent injunction restraining the defendant from enjoying the suit property peacefully. The said suit has been filed in the year 2014 and the same is pending for more than 3 ½ years without any further proceedings. Therefore, the petitioners have approached this Court by invoking the jurisdiction under Article 227 of the Constitution of India, seeking for a direction to the learned Subordinate Judge, Srivilliputhur, to dispose of the suit in O.S.No.63 of 2014, within a particular period.

3. Heard the learned counsel for the petitioners and perused the materials placed before this Court.

4.The suit in O.S.No.63 of 2014 has been filed in the year 2014 and for more than 3 ½ years, it was continuously adjourned. It is seen from the 'B' dairy extract, which clearly shows that the matter has been adjourned periodically citing the pendency of I.A.



5. Since the petitioners have sought for a limited prayer for early disposal of the suit, no notice is necessary to the respondent, which would cause no prejudice anyway to the respondent. It is an admitted fact that the suit is pending from 2014 onwards, but the learned District Munsif cum Judicial Magistrate, Vilathikulam has not taken any action to dispose of the suit, which is pending for more than 3 ½ years. Therefore, I am inclined to pass the following order:

The learned District Munsif cum Judicial Magistrate, Vilathikulam, is directed to dispose of the suit in O.S.No.63 of 2014 within a period of three months from the date of receipt of a copy of this order, on day-to-day basis without giving any adjournment to either parties. The parties are also directed to give their fullest co-operation for early disposal of the said suit, within the time limit fixed by this Court for passing orders. The learned District Munsif cum Judicial Magistrate, Vilathikulam, is directed to file a compliance report before this Court within a period of ten days after passing orders in O.S.No.63 of 2014.

6. The Civil Revision Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The District Munsif cum
Judicial Magistrate,
Vilathikulam
- 2.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
- 3.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.M.Subash Babu, Advocate SR.No. 74315

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20.07.2018

ns

JM/SKN RSK/SAR 3/09.08.2018/2P/5C

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