



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM

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THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(MD).No.1373 of 2018

K. Xavier Pushparaj

... Revision Petitioner / Plaintiff

Vs.

1.J. Latha
2.J.Darwin
3.V.Anto Sajukumar
4.Stella Mary
5.J. Gunaseeli
6.The Tahsildar
Agasteeswaram Taluk,
Agaasteeswaram Taluk office at
Nagercoil, Kanyakumari District.
7.The District Collector,
District Collector Office,
Nagercoil,
Kanyakumari District.

... Respondents / defendants

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the I Additional Munsif Court at Nagercoil to expedite the proceedings in O.S.No. 692 of 2005, on the file of the I Additional District Munsif Court, Nagercoil.

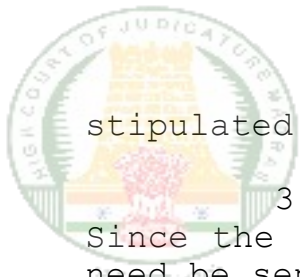
For Petitioner

... Mr. F. X. Eugene

ORDER

This Civil Revision Petition has been filed for issuing a direction to the learned I Additional Munsif, Nagercoil to expedite the proceedings in O.S.No. 692 of 2005, pending on his file.

2. The learned counsel appearing for the petitioner submitted that the revision petitioner, who is the plaintiff, has filed the suit in the year 2005 and the entire evidence was over in the year 2007 itself and thereafter, the matter was posted for arguments. He further submitted that the respondents / defendants have been filing applications one after another and dragging on the proceedings for the past 11 years. Therefore, the petitioner has filed the present Civil Revision Petition to expedite the proceedings in O.S.No. 692 of 2005 and dispose of the same within a



stipulated time.

3. Heard the learned counsel appearing for the petitioner. Since the case is for a limited relief of early disposal, no notice need be sent to the respondents.

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4. Admittedly, the suit was filed in the year 2005 and the evidence was also over in the year 2007. But, without assigning any reason the said suit has been adjourned for more than 11 years. This Court is totally un-satisfied with the the proceedings being conducted in the suit in O.S.No.692 of 2005, pending on the file of the learned I Additional District Munsif, Nagercoil. Once the suit is filed and the evidence is over, the Court has no power to adjourn the matter continuously for more than 11 years. Therefore, this Court is inclined to grant the relief sought for in this Civil Revision Petition.

5. Accordingly, this Civil Revision Petition is disposed of with a direction to the Trial Court viz., the learned I Additional District Munsif, Nagaercoil to conduct the suit in O.S.No.692 of 2005, on day to day basis and to dispose of the same, on merits and in accordance with law, within a period of four weeks from today (i.e. on 10.07.2018), and on passing orders in the said Suit, the learned Judge is directed to report the same before this Court within a period of 10 days, thereafter. No costs

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

I Additional District Munsif Court,
Nagercoil.

Copy to
The Section Officer,
VR.Section,
Madurai Bench Of Madras High Court,
Madurai. (2 COPIES)

+1CC to M/s.F.X.Eugene Advocate in SR.No.71910.

TRP

DS/SV/SAR-1 :10.07.2018: 2P/5C