



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.2355 of 2016 (PD)
and
CMP(MD) No.10945 of 2016

K.R.Sivasankar

... Petitioner

Vs.

1.Malini
2.S.J.Jothiram
3.S.J.Supriya
4.S.J.Venkatesh Prasad
5.M.Natarajan
6.K.Murugan
7.S.Gowri
8.G.Karthikeyan
9.M.K.Jawahar Babu
10.Nandhini
11.M.J.Aparajith
12.Arthi
13.Sushma Savithri
14.M.N.Vikram
15.M.N.Sowmiya
16.M.N.Lakshmi
17.S.Krishnakumar
18.Alagumuthukumar
19.B.Murugan
20.T.S.Jabaresh

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to reject the plaint in O.S No.105 of 2016 on the file of the V Additional District Judge, Madurai.

For Petitioner

: Mr.M.Vallinayagam,
Senior Counsel
for Mr.D.Nallathambi

For Respondent No.1

: Mr.S.Balasubramaniya Iyer for R1

For Respondent Nos.5 & 6

: Mr.R.Vigneshwaran

For Respondent No.8

: Mr.S.Mahesh Babu

For Respondent No.9 & 10

: Ms.S.Rajalakshmi

For R11 to R 13

: No appearance

For R17 to R18

: No appearance



For Respondent No.2 to 4, 7, 14 to 16, 19 & 20 disd. Vide court order dater 12.07.2018.

ORDER

The fourth defendant in O.S No.105 of 2016 on the file of the V Additional District Court, Madurai is the revision petitioner herein. This revision petitioner seeks rejection of the plaint itself.

2.Heard the learned Senior Counsel appearing for the revision petitioner and the learned counsel appearing for the plaintiff/first respondent and the learned counsel appearing for the contesting respondents also.

3.I am of the view that this a suit which will have to be disposed of on merits. The revision petitioner is yet to file his written statement. The learned Senior Counsel for the revision petitioner submits that the revision petitioner who is the principal contestant in the suit would file his written statement within a period of two weeks. It is seen that there are as many as twenty defendants in the suit. Service is yet to be effected on many of them. The learned counsel appearing for the plaintiff/first respondent submits that he would move the trial court and obtain an order for effecting substituted service through paper publication.

4.Recording these submissions made on either side, this Court directs the learned Trial Judge to dispose of O.S No.105 of 2016 within a period of seven months from the date of receipt of a copy of this order. Such a direction is given taking note of the submission made by the learned Senior Counsel for the revision petitioner that the suit in question is virtually a second round of litigation. The revision petitioner filed O.S No.1078 of 1994 on the file of the I Additional Sub Court, Madurai and obtained a preliminary decree for partition and the said preliminary decree was also confirmed by this Court. Thereafter, final decree application was also taken out. The final decree was also passed. Taking note of these aspects, the direction for expeditious disposal of the suit is issued.

5.This civil revision petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(w)

/True Copy/



To

The V Additional District Judge, Madurai.

+1cc to Mr.D.Nallathambi, Advocate Sr.No.88245
+1cc to Mr.S.Mahesh Babu, Advocate Sr.No.88652

SKM

VB/SKN/SAR4/02.11.2018/3P/4C

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