



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD)(MD)No.1637 of 2018

1.A.T.Marthandan @ A.T.Rajasekar
2.A.Somasundaram
3.A.Madhusoothanan
4.A.Thankasami
5.A.Thankakrishnan
6.A.Azhagesan
7.A.Balakrishnan
8.A.Gopal

...Petitioners/Defendants 1to8

Vs.

1.The Mutharamman Mutheeswaran Temple,
Elanthavilai,
Puthalam Village,
Rep by its President,
T.Murugesan
S/o.Thankiah Nadar,
Puthalam Village,
Agasteeswaram Taluk,
Kanyakumari District.

... 1st Respondent/Plaintiff

2.A.Radhakrishnan

...2nd Respondent/9th Plaintiff

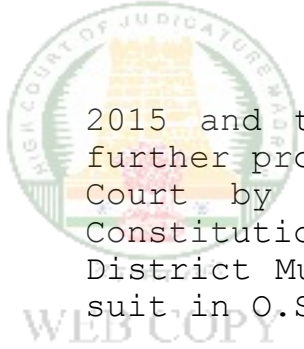
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal District Munsif, Nagercoil, Kanyakumari District to dispose the proceedings in O.S.No.85 of 2015 within a stipulated time as may be prescribed by this Court.

For Petitioners : Mr.G.Aravinthan

O R D E R

This Civil Revision Petition is filed for a direction to the Principal District Munsif, Nagercoil, Kanyakumari District to dispose of the proceedings in O.S.No.85 of 2015 within the stipulated time.

2.The petitioners are the defendants 1 to 8 and the first respondent herein is the plaintiff in the suit in O.S.No.85 of 2015. The first respondent/plaintiff has filed a suit for declaration, demarcation and injunction. The said suit has been filed in the year



2015 and the same is pending for more than 3 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 Principal District Munsif, Nagercoil, Kanyakumari District, to dispose of the suit in O.S.No.85 of 2015, 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.85 of 2015 has been filed in the year 2015 and for more than three years, it was continuously adjourned. It is seen from the 'B' dairy extract, which clearly shows that the matter has been adjourned by 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 respondents, which would cause no prejudice anyway to the respondents. It is an admitted fact that the suit is pending from 2015 onwards, but, the Principal District Munsif, Nagercoil, Kanyakumari District, has not taken any action to dispose of the suit, which is pending for more than three years. Therefore, I am inclined to pass the following order:

The Principal District Munsif, Nagercoil, Kanyakumari District, is directed to dispose of the suit in O.S.No.85 of 2015 within a period of four 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 suit, within the time limit fixed by this Court for passing orders. The Principal District Munsif, Nagercoil, Kanyakumari District, is directed to file a compliance report before this Court within a period of ten days after passing orders in the suit in O.S.No.85 of 2015.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal District Munsif,
Nagercoil,
Kanyakumari District.



2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

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+1cc to M/S.G.Aravinthan, Advocate SR.No. 76903

C.R.P. (PD) (MD) No.1637 of 2018
03.08.2018

ns

JM/SKN RSK/SAR 1/28.08.2018/3P/5C