



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.1689 of 2018

Ganesan

...Revision Petitioner/Respondent

Vs.

Manimekalai

...Respondent/Appellant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Subordinate Judge, Pudukottai to dispose of the appeal in A.S.No.29 of 2016 on the file of the Sub-Court, Pudukottai within the time frame fixed by this Court.

For Petitioners : Mr.S.Kumar

O R D E R

This Civil Revision Petition is filed for a direction to dispose of the appeal in A.S.No.29 of 2016 on the file of the Sub-Court, Pudukottai within the time frame as fixed by this Court.

2.The petitioner is the defendant and the respondent is the plaintiff in the suit in O.S.No.302 of 2013. The respondent/plaintiff has filed a suit before the Principal District Munsif, Pudukottai, for declaration and injunction against the petitioner/defendant. During the pendency of the suit, the petitioner/defendant has filed a petition in I.A.No.882 of 2015 to reject the plaint. The said I.A was allowed. Against the said order, the respondent/plaintiff filed A.S.No.29 of 2016 before the Subordinate Court, Pudukottai. The said A.S., has been filed in the year 2016 and the same is pending for more than 2 years without any further proceedings. Therefore, the petitioner has approached this Court by invoking the jurisdiction under Article 227 of the Constitution of India, seeking for a direction to the Sub-Court, Pudukottai to dispose of the appeal suit in A.S.No.29 of 2016, within a particular period.

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

4.The appeal suit in A.S.No.29 of 2016 has been filed in the year 2016 and for more than two years, it was continuously adjourned. It is seen from the 'B' dairy extract, which clearly shows that the matter has been adjourned for both side arguments.



5. Since the petitioner has sought for a limited prayer for early disposal of the A.S., no notice is necessary to the respondent, which would cause no prejudice anyway to the respondent. It is an admitted fact that the A.S., is pending from 2016 onwards, but, the Sub-Court, Pudukottai has not taken any action to dispose of the A.S., which is pending for more than two years. Therefore, I am inclined to pass the following order:

The Sub-Court, Pudukottai is directed to dispose of the A.S.No.29 of 2016 within a period of two 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 A.S., within the time limit fixed by this Court for passing orders. The Sub-Court, Pudukottai is directed to file a compliance report before this Court within a period of ten days after passing orders in the A.S.No.29 of 2016.

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

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

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

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ns
JM/KAK/SAR 3/07.09.2018/2P/4C