



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.11.2018
CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2530 of 2018

1.Savarimuthu
2.Chinnappan

... Petitioners/Defendants 1 & 2

vs.

1.V.Raju
2.A.Velu
3.Muthurasu
4.Jeyaraj

... Respondents/Plaintiffs

... Respondent No.4/Defndant No.3

PRAYER: Petition filed under Article 227 of the Constitution of India, seeking a direction the learned Principal District Munsif, Dindigul, to dispose of O.S.No.231 of 2009, within a stipulated time limit.

For Petitioners : Mr.M.Thirunavukkarasu

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Munsif, Dindigul, to dispose of the suit in O.S.No.231 of 2009, within a stipulated time limit.

2. Learned Counsel for the petitioners would submit that O.S.No.231 of 2009 was filed the respondents 1 to 3 herein, for the relief of permanent injunction. After the commencement of trial, respondents 1 to 3 herein have filed I.A.No.430 of 2014, seeking appointment of Advocate Commissioner and the same was also allowed. Aggrieved over the same, the petitioners herein have filed C.R.P.(MD)No.1852 of 2015. Pending CRP, the Court below has passed consequential order, thereby, modified the order that was already passed in I.A.No.430 of 2014. Since the consequential order was not challenged, this Court, by order dated 14.06.2018, dismissed the CRP, however, with a direction to the Court below to dispose of the suit within a period of three months from the date of receipt of a copy of that order. But, till date, the suit is pending and is continuously adjourned and hence, the petitioners are before this Court for the aforesaid prayer.

3. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondents is dispensed with.



4. It is seen that C.R.P.(MD)No.1852 of 2015 was dismissed on 14.06.2018. This Court, while dismissing the said CRP, considering the age of the suit, has specifically directed the trial Court to dispose of the suit itself within a period of three months from the date of receipt of a copy of that order. It is seen that order copy in that CRP was made ready on 06.07.2018. However, the suit, which is of the year 2009, is still pending.

5. Considering the facts and circumstances of the case, this Court is inclined to extend the time limit that was already granted by this Court to dispose of the suit. Accordingly, the learned Principal District Munsif, Dindigul, is directed to dispose of O.S.No.231 of 2009, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and report the same to the Registry of this Court forthwith.

6. With the above direction, the Civil Revision Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar(CS-III)

To

The Principal District Munsif,
Dindigul.

+1. C.C. to M/S.M.Thirunavukkarasu, Advocate SR.No.95000

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GK
JM/VR MMS/SAR 3/19.11.2018/2P/3C