



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) (PD) .No.2019 of 2018
and
C.M.P (MD) .No.8933 of 2018

Rajamma

... Petitioner

vs.

1.Xavier Primus Rajan
2.Rani M.Patti
3.Xavier Alexandar Rajan

...Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition and set aside the order and decretal order passed in TOP.NO.375 of 2013 dated 25.01.2018 on the file of the District Court, Kanyakumari District at Nagercoil.

For Petitioner : Mr.C.Godwin
For R1 : Mr.V.Janakiramulu
For R2 & R3 : Ex-parte vide in EB

O R D E R

The petitioner herein is the plaintiff in O.S.No.415 of 2009 on the file of the District Munsif Court, Padmanabhapuram. She is also one of the plaintiffs in O.S.No.147 of 2011 before the District Court, Nagercoil. Seeking transfer of O.S.No.415 of 2009 from the file of the District Munsif Court, Padmanabhapuram, T.O.P.No.375 of 2013 was filed and the same was dismissed on 25.01.2018. Questioning the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.This Court is of the view that the order passed by the Court below has to be sustained. This is for more than one reason. In CRP(MD) (PD) .No.92 of 2018 by order dated 17.04.2018 a direction has been given for speedy disposal of O.S.No.415 of 2009 on the file of the Principal District Munsif Court, Padmanabhapuram. In fact, this Court has given a direction that if necessary the trial should be done on a day by day basis, without giving any adjournment.

4.If this Court allows this Civil Revision Petition, this Court would be virtually reviewing the direction made in CRP(MD) (PD) No.92 of 2018. If such a direction for speedy disposal had been given at the time of admission stage without notice to the petitioner, this Court would probably have no hesitation, but then CRP(MD) (PD) No.92 of 2018 was disposed only after notice to the petitioner herein. Therefore, I am of the view that this Civil Revision Petition is not



maintainable, in view of the order made in CRP(MD) (PD)No.92 of 2018 dated 17.04.2018. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS-I)

To

1. The District Judge,
Kanyakumari District at Nagercoil.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.V.Janakiramulu, Advocate, SR.No.89863

+1cc to Mr.C.Godwin, Advocate, SR.No. 89492

C.R.P (MD) (PD) .No.2019 of 2018
09.10.2018

RMK

KK/RP/SAR-1/26.11.2018/2P-6C