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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13..12..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.4118 of 2019

Nagendran

... Petitioner

-Versus-

E.Mohan (Died)

1.M.Rajesh
2.D.Sarulatha

[Cause title accepted vide order dated 09.12.2019 made
in C.M.P.No.26079 of 2019 in CRP SR No.133088 of 2019]

MrsNagabushanammal (Died)

3.The Special Tahsildar,
Natham Land Survey,
Ponamallee.

Venkatesan (Died)

4.E.Kanniappan

5.Pavunammal

6.Malar

7.Vijayakumari
8.Jayarampillai

... Respondents

Petition filed under Article 227 of the Constitution of India, praying to issue a direction to the learned Subordinate Judge, Poonamallee to dispose of the appeal suit in A.S.No.34 of 2014 within a reasonable time.



For Petitioner

: Mr.R.Dhineshkumar

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ORDER

This revision petition has been filed seeking a direction to the learned Subordinate Judge, Poonamallee, to dispose of the appeal suit in A.S.No.34 of 2014 at the earliest.

2. One Chandrammal and others had filed a suit in O.S.No.992 of 1994 before the learned Additional District Munsif, Poonamallee against the petitioner herein and others for permanent injunction from interfering with their lawful possession in the suit property. After full trial, the above said suit was dismissed by the learned Addl. District Munsif, by judgement and decree dated 26.08.2013. Aggrieved over the same, the 4th plaintiff - E.Mohan preferred an appeal in A.S.No.34 of 2014 before the learned Subordinate Judge, Poonamallee. According to the learned counsel for the petitioner, who is the 1st defendant in the suit, pending appeal the sole appellant/4th plaintiff died and the application filed by the legal heirs of the deceased Mohan (4th plaintiff) is pending for consideration. The grievance of the petitioner is that the appeal suit has been pending since 2014 without any substantial progress. Hence, this petition.

3. Considering the nature of the order being passed in this revision petition which would in no way cause any prejudice to the respondent, notice to the other side is dispensed with.

4. In view of the the limited scope of the prayer made in the revision petition, the learned Subordinate Judge, Poonamallee, is directed to dispose of the appeal suit on merits and in accordance with law after affording opportunities to both the parties within a period of three months from the date of receipt of a copy of this order. This revision petition is disposed of accordingly with the above directions.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



To

1.The Subordinate Judge, Poonamallee, Tiruvallur District.

+1cc to Mr.R.Dhineshkumar, Advocate sr.104948

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bp(co)
nr 20/12/2019