



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

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WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) (PD) No.1004 of 2019

T.Manoharan

... Petitioner/Plaintiff

-Vs-

P.Thirupathi

...Respondent/Defendant

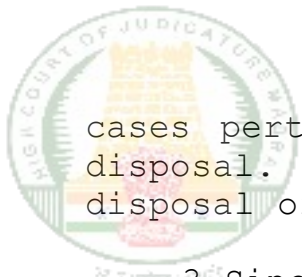
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to decide the O.S.No.48 of 2017 on the file of the learned Subordinate Judge, Sivagangai on merits and in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.B.Rooban

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Sivagangai to dispose the suit in O.S.No.48 of 2017 on merits and in accordance with law within the time stipulated by this Court.

2.Learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.48 of 2017 for recovery of mortgage amount and now the petitioner is aged about 64 years. The learned counsel would further submit that though the suit was posted to Mediation, he has not received any communication from the Legal Services Authority. Hence, the petitioner has sent a letter dated 11.02.2018 to the Hon'ble Chariman of District Legal Services Authority by categorically stating that he is not willing to settle the matter out of Court and hence, requested to send back the bundle to the Court for trial. But, in spite of it, the case has been listed under the caption 'Mediation' on several hearings and posted for trial before the Court below only on 14.03.2019. The grievance of the petitioner is that the learned trial Judge has informed the petitioner that the list cases alone will be taken up for trial and no other cases will be allowed to commence the trial. Further, it is informed that at present the



cases pertaining to the year 2014 and 2015 alone are listed for disposal. Hence, the petitioner is before this Court for early disposal of the suit in O.S.No.48 of 2017.

3. Since this Civil Revision Petition is filed for early disposal of the suit, no notice is necessary to the respondent herein.

4. Considering the facts and circumstances of the case and also considering the age of the petitioner, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Subordinate Judge, Sivagangai to dispose the suit in O.S.No.48 of 2017 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

msa

To,

1.The Subordinate Judge
Sivagangai

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.B.ROOBAN, ADVOCATE, SR.NO.72600

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