



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

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THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1041 of 2019

A.Ayyasamy

...Petitioner/Plaintiff

-Vs-

Edward Maharajan(Died)

- 1.E.Leela
- 2.E.B.Raja
- 3.E.Vijaya
- 4.E.Jeya
- 5.E.Latha

...Respondents/Defendants

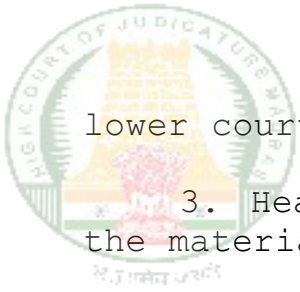
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal Sub Court, Tirunelveli to dispose the suit in O.S.No.391 of 2017 within the time framed by this Court.

For Petitioner : Mr.C.Ramesh

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Principal Subordinate Judge, Tirunelveli to dispose the suit in O.S.No.391 of 2017 within a stipulated time.

2.The learned counsel for the petitioner would state that the petitioner has filed a suit in O.S.No.24 of 2005 before the learned I Additional District Court, Tirunelveli for recovery of possession and for rents due. Due to pecuniary jurisdiction, the said suit was transferred to the learned Principal Sub Court, Tirunelveli during the year 2017 and renumbered as O.S.No.391 of 2017. The learned counsel for the petitioner would further submit that the respondents are taking all efforts only to drag on the proceedings in the suit. The respondents have also filed a petition before this Court in C.R.P(MD).No.473 of 2019 challenging the petition which was allowed to bring on legal heirs of the deceased sole defendant on flimsy ground and the same is pending, without any interim order. Subsequently, the trial was going on for more than several hearings and the petitioner is a senior citizen and therefore, he prays for issuance of a direction to the



lower court to dispose of the said suit within a time frame.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondents by ordering this petition, this Court is of the view that notice need not be sent to the respondent.

5. Considering the facts and circumstances of the case and also considering the fact that the suit is of the year 2005, 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 advertent to the merits of the case, a direction is issued to the learned Principal Subordinate Judge, Tirunelveli to dispose the suit in O.S.No.391 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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal Subordinate Judge,
Tirunelveli .

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