

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.07.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .No.1060 of 2019 (PD)**

1.P.C.Rajendran
2.L.Jeyaraman
3.M.Sivasubramanian

... Petitioners/
Plaintiffs

Vs.

1.G.Deivendran
2.Jeyarajan
3.C.Kumar
4.Aavudaihangam
5.A.Mathan Kumarapandiyan
6.N.Lakshmanamoorthy
7.A.A.Adaikalam
8.N.Rajamurugan
9.A.Pitchai
10.M.A.K.T.Chandra Bose
11.G.Subramaniyan

12.District Registrar of Registration,
Having Office at South Agraharam,
Thenkarai, Periyakulam.

13.The Inspector General of Registration,
Having Office at Chennai.

... Respondents /
Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Subordinate Judge, Periyakulam, Theni District to dispose of the suit in O.S.No.16 of 2015 within a stipulated time.

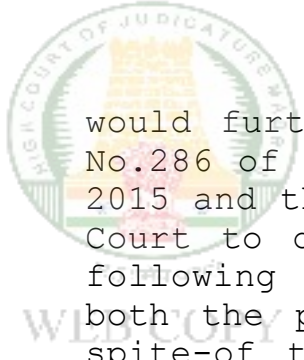
For petitioner

: Mr.E.V.N.Siva

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned Subordinate Judge, Periyakulam, Theni District, to dispose of the suit in O.S.No.16 of 2015 pending on his file, within a stipulated time.

2. The learned counsel for the petitioners submitted that the petitioners as plaintiffs have filed the suit in O.S.No.16 of 2015 seeking mandatory injunction directing the 12th respondent to issue notices to the members of the society No.35 of 1961 as on date, convene a General Body Meeting of society and identify the genuine members of society with the help of Advocate Commissioner. He



would further submit that the petitioners have filed C.R.P.(MD). No.286 of 2016 seeking early disposal of the suit in O.S.No.16 of 2015 and this Court, by order dated 02.02.2016, directed the trial Court to dispose of the suit as expeditiously as possible after following procedural law and after affording due opportunity to both the parties. The grievance of the petitioner is that in spite of the above order, even the trial is not yet completed. The trial has been pending from 2017 onwards. Now, the cross examination of PW1 is pending, inspite of repeated adjournments. The respondents have been intentionally dragging on the matter one way or the other. The petitioners are ready to cooperate with the Court below. Hence, they have filed this revision petition seeking a direction for early disposal of the suit.

3. Heard the learned counsel for the petitioners.

4. In view of the limited relief sought for by the petitioners 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 respondents.

5. Considering the submission of the learned counsel for the petitioners, the year of the suit and the earlier direction of this Court, this Court is inclined to issue the following direction to the Court below:

The learned Subordinate Judge, Periyakulam, Theni District is directed to conduct the trial in O.S.No.16 of 2015 on day-to-day basis and dispose of the suit on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the suit.

6. This revision petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Gcg

To

1.The Subordinate Judge,
Periyakulam, Theni District.

+2cc to Mr.E.V.N.Siva, Advocate in SR.72717 & 73341

C.R.P(MD).No.1060 of 2019 (PD)
02.07.2019