



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2019

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THE HONOURABLE MRS.JUSTICE S. RAMATHILAGAM

C.R.P.[MD]No. 183 of 2019

Mrs. E. Malathi (died)

1. V.Eswaran
2. E. Maheswaran
3. E. Satheeskumar : Petitioners/Petitioners/3rd parties

-Vs-

Gandhiammal (died)

1. C. Latha
2. Raja
3. C. Venkateswari
4. C. Pounmani
5. C. Suganya
6. C. Sangeetha
7. C. Viyaraja
8. M. Ramesh
9. C. Bothumani
10. A. Arulmozhi
11. J. Karthika
12. C. Malarvizhi
13. K. Kayalvizhi
14. S. Rathinam
15. S. Sandeep
16. K. Sevika
- S. Chinnathai (Died)
- Ochammal (Died)
17. Kavitha
18. Prabhavathi
19. Minor M. Lathika
20. Minor M. Hariharan
21. Karthikeyan
22. Latha

: Respondents/Respondents/Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, directing the learned Subordinate Judge, Uthamapalayam, Theni District to expeditiously disposal the pending appeal in I.A. No.234 of 2017 (re-number of I.A. No.572 of 2014) in O.S. No. 216 of 2013, within the time frame fixed by this Court.



For Petitioner : Mr. P. Thambidurai

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ORDER

This Civil Revision Petition has been filed to direct the learned Subordinate Judge, Uthamapalayam, Theni District to expeditiously disposal the pending appeal in I.A. No.234 of 2017 (re-number of I.A. No.572 of 2014) in O.S. No. 216 of 2013, within the time frame fixed by this Court.

2. By Order of this Court, dated 04.07.2018, the Trial Court was directed to conduct the trial on day-to-day basis within the time fixed four (4) weeks. But, the learned Subordinate Judge, Uthamapalayam did not dispose the said Interlocutory application in I.A. No.234 of 2017 (re-number of I.A. No.572 of 2014) in O.S. No. 216 of 2013.

3. When the matter is came for admission before this Court, the first respondent is appearing as party in person and stated that he is aged about 68 years and as a senior citizen, he wants to enjoy the fruits of the decree. He further stated that the learned Subordinate Judge, Uthamapalayam ought to have considered the fact that frequent adjournment will amount to denial of justice and he claims once again for early disposal of the interlocutory application which is pending before the Subordinate Court, Uthamapalayam.

4. On perusal of the documents, the I.A. No.234 of 2017 (re-number of I.A. No.572 of 2014) in O.S. No. 216 of 2013 is pending on the file of the Subordinate Court, Uthamapalayam, till date. The matter has been posted for argument. The first petitioner herein has stated before this Court that no other interlocutory petition is pending. But, on perusal of report dated 12.02.2019, filed by the learned Subordinate Judge, Uthamapalayam, there are some interlocutory applications filed by the petitioners, before the Trial Court and those petitions were also tried by the Trial Court. The petitioners have suppressed the fact that the final decree petition was filed and the same was transferred to the Trial Court and the xerox copy of the suit register extract was also sent by the learned Subordinate Judge, Theni on 04.02.2019. But, the petitioners have not stated anything in their petition about the same and during the hearing also stated that there is no interlocutory application is pending. In view of the aforesaid facts, the Criminal Revision Petition is liable to be dismissed.

<https://hcservices.ecourts.gov.in/hcservices> In the light of the above observations, this Criminal Revision Petition is dismissed with cost of Rs.500/. The



petitioners are directed to pay a sum of Rs.500/-to the credit of Chief Justice Relief fund, within a period of two weeks, from the date of receipt of a copy of this order.

6. Considering the nature of the suit and also the age of the petitioner, to dispose the I.A. No.234 of 2017 (re-number of I.A. No.572 of 2014) in O.S. No. 216 of 2013, on giving priority, within a period of three (3) weeks from the date of receipt of copy of the order. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

The Subordinate Judge,
Uthamapalayam.

KSA

C.R.P. [MD] No. 183 of 2019
14.02.2019

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