



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON:26.02.2019

PRONOUNCED ON:25.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD) .No.386 of 2019 (PD)

P.S.I.Pukari

... Petitioner/Plaintiff

Vs.

1.Tmt.Kathiya

2.Jaber

3.Rasul Beevi

4.Jamal Hyder Ali

5.Seenath

6.Bowsia

... Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional Subordinate Judge, Tirunelveli to dispose of O.S.No.88 of 2016 within a time, as stipulated by this Court.

For Petitioner

: Mr.R.Ramachandran

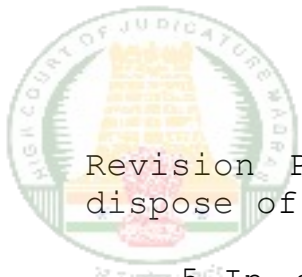
O R D E R

This Civil Revision Petition has been filed by the petitioner for speedy disposal of the suit in O.S.No.88 of 2016 on the file of the Additional Subordinate Judge, Tirunelveli.

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

3.In the grounds, the learned counsel appearing for the petitioner stated that the petitioner has filed a suit in O.S.No.88 of 2016, for partition against the defendants, for allotment of 85/90th of his share, in which, after receiving notice, the defendants did not appear before the trial Court and hence, he was made an exparte on 23.09.2016 and the case was posted for argument on 28.11.2016 and after completion of the argument, the case was adjourned, without pronouncing the judgment, till date.

4.The grievance of the petitioner is that, the trial Court has not taken any steps in disposing the suit, inspite of hearing the arguments and without pronouncing the judgment, the case is being adjourned. Hence, the petitioner has filed the present Civil



Revision Petition seeking a direction to the District Court to dispose of the suit within the time stipulated by this Court.

5. In support of his grievance, the petitioner has filed the extract of B-diary before this Court, wherein, it is seen that the revision petitioner was examined on 05.11.2016 and documents were marked and the case was posted for petitioner's arguments on 28.11.2016. On that day, the petitioner's argument was heard and subsequently, the case was adjourned from 12.12.2016 to 06.04.2018, for further proceedings. During the hearing on 18.09.2017, the Judge of the concerned Court was on leave and again an I.A was filed for return of documents on 13.04.2018 and once again the case was posted, to 13.11.2018 for further proceedings.

6. On a perusal of the records, it is observed that the petitioner was examined as plaintiff and the documents of the plaintiff were also marked and the respondents/defendants have also filed their written statement.

7. On an earlier occasion, this Court by order dated 26.02.2019 directed the learned Additional Subordinate Judge, Tirunelveli, to submit a report about the status of the case. Pursuant to which, a report has been received, wherein, stating that the said Presiding Officer was transferred on 28.11.2016 and once again, the case was posted for arguments on 18.04.2019. Therefore, the petitioner has filed the Civil Revision Petition in the year 2019 stating that the trial Court is not pronouncing the judgment and keep the same pending, without any reason, adjourned the case.

8. If the petitioner is having any grievance, he would have filed a proper petition before the Court concerned in the absence of any other proceedings. If the petitioner is aggrieved, he would have taken immediate steps at the earliest, instead of filing the Civil Revision Petition at this stage.

9. Since the petitioner has sought for a limited prayer for early disposal of the suit, no notice is necessary to the respondents and no prejudice would be caused in anyway to the respondents. It is an admitted fact that the suit is pending from the year 2016 onwards, but, the Additional Subordinate Judge, Tirunelveli, has not taken any effective steps to dispose of the suit, which is pending for more than three years. Therefore, I am inclined to pass the following order:

The learned Additional Subordinate Judge, Tirunelveli, is directed to dispose of the suit in O.S.No.88 of 2016, on or before 13.11.2019 within a period of three months from the date of receipt of a copy of this order and conducting the case on day-to-day basis without giving any adjournment to either



parties. The parties are also directed to give their full co-operation for early disposal of the suit, within the time limit prescribed by this Court.

10. In the result, this Civil Revision Petition is disposed of.
No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To
The Additional Subordinate Judge,
Tirunelveli.

+1 CC to M/s.R.RAMACHANDRAN, Advocate (SR-62535[F] dated
25/04/2019)

ns

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