



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (MD) (PD) .No.472 of 2019

1.N.Kumar

2.K.Rajalakshmi

: Petitioners/Plaintiffs

Vs.

B.Haiden

: Respondent/Defendant

PRAYER: The Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking direction to the lower Court for expeditious disposal of the petition in O.S.No.45 of 2015 on the file of the I Additional District Court, Tuticorin.

For Petitioners

: Mr.R.J.Karthick

ORDER

This Civil Revision Petition has been preferred by the petitioners seeking direction to the lower Court for expeditious disposal of the petition in O.S.No.45 of 2015 on the file of the I Additional District Court, Tuticorin.

2.In the grounds of revision, the learned counsel for the petitioners would submit that the first petitioner is aged about 61 years and suffering from the age old ailments, they are deeply in need of money for their retirement life. Whereas, 18 adjournments have been given for filing a written statement by the respondent/defendant and finally on 18.01.2016, the written statement came to be filed. The suit in O.S.No.45 of 2015 is came up for trial after a very long year and when the said proceedings was going on, the respondent/defendant has filed a petition to reopen and recall the petitioners for further examination. Due to the said act of respondent, the petitioners herein were put to lot of mental agony and stress, since the first petitioner is an old man, expecting early disposal of the case to relieve from the stress that is caused by the respondent/defendant, who is filing the petition after petition and preventing the Court from proceeding with the trial at the earliest and for speedy disposal.

3.I have heard the learned counsel appearing for the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4.On hearing the learned counsel for the petitioners, he



brought to the notice of this Court that already the respondent/defendant take so many adjournments for filing the written statement and the trial came up in the year 2017 and at the stage of examining the defendant's side, he filed the petition to re-call the petitioners/plaintiffs which is very much caused mental agony to the petitioners.

4. On hearing the submission made by the learned counsel for the petitioners, the only grievance is that the suit is filed in the year 2015 and the first petitioner is a senior citizen who is waiting for early disposal of the suit within time frame fixed by this Court and hence, the learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court.

5. Considering the submissions made by the learned counsel for the petitioners and considering the age of the petitioners, this Court feels that ends of justice would be met by directing the Trial Court to dispose of the suit within a time frame. Accordingly, a direction is issued to the learned I Additional District Judge, Tuticorin to dispose the suit in O.S.No.45 of 2015 within a period of 3 months from the date of receipt of a copy of this order, without entertaining the other applications, which are not very much relevant for disposal of the suit.

6. In the result, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

The I Additional District Judge
Tuticorin

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-53531[F] dated
13/03/2019)

MSA

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