



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (PD) (MD) No.516 of 2019

1.Thavamani
2.Govindakannan
3.Ponnusamy
4.Nagavel
5.Revathi
6.Chandrasekar
7.Puyalmani

:Petitioners

Vs.

1.Kottuthurai
2.Murugesan
3.Kanniah

:Respondents

Prayer:- Civil Revision Petition is filed, under Section 227 of the Civil Procedure Code, to direct the learned District Munsif Court, Thiruvadanai to expedite the proceedings in O.S.No.63 of 2016 within a stipulated time may be fixed by this Court.

For Petitioners : Mr.S.Muthukumar

ORDER

This civil revision petition has been filed seeking for a direction to dispose of the suit in O.S.No.63 of 2016 on the file of the learned District Munsif Court, Thiruvadanai, within a stipulated time fixed by this Court.

2.The suit in O.S.No.63 of 2016 was filed by the plaintiffs for the relief of permanent injunction against the defendants that the respondents should not encumber the suit property and further, for declaration that the sale deed dated 22.07.2016 which was entered into between the first, second and fifth defendant is null and void and the document dated 14.06.2016 is also null and void.

3.The learned counsel for the petitioners contended that the third petitioner is aged about 76 years old and the suit is posted for various dates and periodically, it is being adjourned without any reason. On 07.07.2017, the case was posted for counter by the

Court below and again, it was adjourned periodically.

4.It is the grievance of the petitioner that the learned District Munsif Court, Thiruvadanai, ought to have disposed of the suit within a reasonable time period. The other grievance of the petitioner is that the suit is pending for nearly two years since the institution of the suit is causing grave and serious hardship. Hence, the petitioners sought for a direction to expedite the proceedings in O.S.No.63 of 2016 within a stipulated time fixed by this Court.

5.The petitioner's contention is that the third petitioner is aged about 76 years. The petitioner has annexed the notes order of the trial Court running from 07.07.2017 to 19.12.2018. It is observed that the suit is filed in the year 2016 and the third petitioner who is the 7th defendant in the said suit, filed his written statement on 22.12.2017.

6.On perusal of the notes order, it is observed that I.A.No.305 of 2016 was pending on 07.07.2017 and another I.A.No.205 of 2016 was also pending on 07.08.2017. From the notes papers, it is also seen that the case was referred to Lokadalat for settlement and subsequently, the case was posted for filing counter and once again on 20.11.2017, the case was referred to lokadalat for settlement. As there was no settlement, again I.A.No.305 of 2016 was re-posted. Aggrieved over the said proceedings, the petitioner has not stated any specific reason as to why the delay is caused by the trial Court.

7.Considering the fact that without furnishing any details regarding the pendency of these two I.As, and without making proper representation before the concerned Court, the petitioner has approached this Court by filing the present civil revision petition. Hence, this civil revision petition is dismissed. However, it is for the petitioner to reopen the issue by way of filing proper representation. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Munsif Court, Thiruvadanai.

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