



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(PD)(MD) No.544 of 2019

Thangam

... Petitioner/Appellant

vs.

The Kadayal Town Panchayat,
represented by its Executive Officer,
Kadayalumoodu,
Kaliyal and Post,
Kaliyal Village,
Vilavancode Taluk,
Kanyakumari District.

... Respondent/Respondent

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Kuzhithurai to dispose of the A.S.No.14 of 2017 within a time frame fixed by this Court.

For Petitioner : Mr.T.Selvakumaran

ORDER

This Civil Revision Petition has been filed to direct the learned Subordinate Judge, Kuzhithurai to dispose of the case in A.S.No.14 of 2017.

2.For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3.Originally the suit in O.S.No.5 of 2012 was filed by the plaintiff for the relief of permanent injunction restraining the defendant and his subordinates from trespassing into the suit property and causing any damage to the plaintiff's compound wall. However, the defendant contended that the suit property comprised in R.S.No.522/8 is the poramboke land, which absolutely and exclusively belongs to the Government and the State is not made as necessary party to the suit and hence, the plaintiff is not entitled for any injunction in respect of the said poramboke land.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The trial Court, after analyzing the evidence and documents, has given a finding that the suit property claimed by the plaintiff is not in her possession and hence, the relief sought by the



plaintiff was not considered and dismissed the said suit. Aggrieved by the said judgment and decree, the plaintiff has preferred A.S.No.14 of 2017 before the lower appellate Court and the same is pending.

5.Now, the contention raised by the learned counsel for the plaintiff is that the plaintiff is 64 years old and hence, she wants to early disposal of the said appeal and she undertakes to co-operate for conducting the appeal for early disposal.

6.In view of the contention raised by the learned counsel for the plaintiff, the learned Subordinate Judge, Kuzhithurai, is directed to dispose of the case in A.S.No.14 of 2017 within a period of two months from the date of receipt of a copy of this order and the plaintiff is directed to co-operate for conducting the appeal for early disposal.

7.This Civil Revision Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS II)

To

The Subordinate Judge,
Kuzhithurai.

1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-54888[F] dated 19/03/2019)

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DS/ /SAR- (20.03.2019) 2 P 3C