



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CIVIL REVISION PETITION (PD) No.675 of 2019

1.Malarvizhi

2.Indhuja

3.Deepak

.. Petitioners/Appellants/Respondents 1 to3/
Defendants 1 to 3

Vs.

1.S.A.Ammensha

..1st respondent/Respondent/Petitioner/
Plaintiff

2.M.Shahul Hameed

3.The Sub Registrar,

Office of the Sub Registrar,

Paramakkkudi Road,

Ilayangudi,

Sivagangai District.

..Respondents 2 & 3/Respondents 3&4/
Respondents 4 & 5/Defendants 4 &5

Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Sivagangai to dispose of the Civil Miscellaneous Appeal in C.M.A.No.5 of 2017 in I.A.No.469 of 2016 in O.S.No.27 of 2016 pending on the file of the Subordinate Court, Sivagangai as expeditiously as possible.

For Petitioner

: Mr.R.Pon Karthikeyan

For R-3

: Mr.M.Murugan
Government Advocate

O R D E R

This Civil Revision Petition has been preferred by the petitioner seeking for a direction to dispose of the Civil Miscellaneous Appeal in C.M.A.No.5 of 2017 in I.A.No.469 of 2016 in O.S.No.27 of 2016 on the file of the Subordinate Court, Sivagangai, as expeditiously as possible.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the third respondent.

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

3.The first petitioner contended that she is the defendant in the Original Suit. The suit schedule property in Survey No.196 to an



extent of 7 acres 35 cents out of 12 acres 92 cents was jointly purchased by the first petitioner's husband one Karunanithi and one Sahul Hameed, the second respondent/fourth respondent. The first petitioner further contended that by virtue of the sale deed, the second respondent Sahul Hameed entitled two undivided shares and the first petitioner's husband is entitled to one undivided share of the said land.

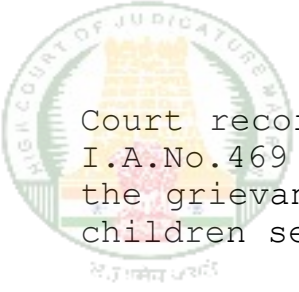
4.The grievance of the petitioners is that the first respondent is trying to trespass into the suit property in an illegal manner and a criminal complaint was also preferred by the petitioner. The first respondent also filed two Interlocutory Applications in I.A.No.469 of 2016 seeking for temporary injunction against these petitioners and the second respondent not to alienate the property till the disposal of the suit and I.A.No.388 of 2016 against the third respondent/Sub Registrar restraining from registering any documents in respect of the suit property, because the first respondent is trying to alienate the suit property without the knowledge of the petitioners. In the said I.A.No.469 of 2016, the trial Court granted temporary injunction without considering the case of the petitioners. Aggrieved against the said order, the petitioners have filed C.M.A.No.5 of 2017 and this Civil Revision Petition has been preferred for a direction to dispose of the said CMA as expeditiously as possible.

5.The petitioners also brought to the notice of this Court that the delay is caused by the Court and the first petitioner is a widow with two children and hence, seeks early disposal of the said CMA.

6.On perusal of the records, it is seen that in the said CMA, notice was ordered to the respondents and after hearing them, time was given to file their counter. The said CMA is filed before the Subordinate Court, Sivagangai against the order passed by the District Munsif Court, Ilayankudi and the same is still pending for awaiting records and the case was posted to 13.03.2019. It is the grievance of the petitioners that the CMA is pending for a very long time by waiting for the records from the lower Court and hence, they are not in a position to get early disposal from the Court below.

7.When the grievance of the petitioners is that the Civil Miscellaneous Appeal is kept pending for a long time, the record also shows that the Subordinate Judge, Sivagangai Court is waiting for records from the lower Court.

8.The learned counsel for the petitioners is also not aware of the fact that what are the documents, the petitioners enclosed along with CMA. If necessary documents are enclosed along with the Civil Miscellaneous Appeal, there would not be any difficulty for the trial Court to dispose of the CMA. But here, the respondents are heard and they took time to file their counter and hence, there is no delay. However, considering the prayer made by the petitioners, the Subordinate Judge, Sivagangai is directed to receive the lower



Court records at the earliest and dispose of C.M.A.No.5 of 2017 in I.A.No.469 of 2016 in O.S.No.27 of 2016 as early as possible, since the grievance of the petitioners is that she being a widow with two children seeking for early disposal.

9.This Civil Revision Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rj2

To

1.The Sub Registrar,
Office of the Sub Registrar,
Paramakkudi Road,
Ilayangudi,
Sivagangai District.

2.The Subordinate Judge, Sivagangai.

1CC TO THE SPL GOVT PLEADER SR 59904

1CC TO MR. R. PON.KARTHIKEYAN, ADVOCATE SR 59248

DS

10/04/2019

3P 5C

C.R.P(MD)No.675 of 2019

05.04.2019