



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019
CORAM

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THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CIVIL REVISION PETITION No.681 of 2019

B.S.Narayanan

.. Petitioner

Vs.

1.B.S.Anandan

2.B.S.Velayutham

3.B.S.Gurusamy

4.B.S.Arunagiri

5.B.A.Bala Vadivel Murugan

6.A.S.Barakath Fathima

7.A.K.Anwar Basha

8.S.Mumtaj Begum

9.M.Abdul Rehman

10.The Special Tahsildar,
(Land Acquisition)
National Highways Office,
Kulathur, No.12, Devaki Complex,
Pudukottai - Trichy Main Road,
Keeranur, Pudukottai District.

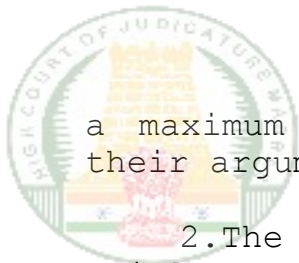
.. Respondents

Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct the speedy disposal of O.S.No.116/2013 on the file of the III Additional District Court, Trichy by fixing a maximum time limit to the contesting defendants for advancing arguments in the said suit.

For Petitioner: Mr.C.Dhanaseelan

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> This Civil Revision Petition has been preferred by the petitioner seeking for speedy disposal of O.S.No.116 of 2013 on the file of the III Additional District Court, Trichirappalli by fixing



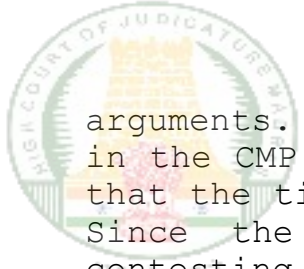
a maximum time limit to the contesting defendants for advancing their arguments.

2.The petitioner contended that the procedure adopted by the trial Court in granting adjournments for the defendants from 26.11.2018 at the instance of the fifth respondent is erroneous and liable to be interfered with. The grievance of the petitioner is that the suit was filed in the year 2013 and till date, the decree has not yet been passed. The fifth defendant is the son of the first defendant and unnecessarily, he is protracting the disposal of the suit by one way or other. On the earlier occasion also, there was a direction by this Court in C.M.A.(MD)Nos.490 and 491 of 2014, to dispose of the case within a period of two months and once again in another C.R.P.(MD)No.1048 of 2015, this Court has extended the time by granting a further time of three months to the learned District Judge to dispose of the said suit. The petitioner also narrated the Interlocutory Applications filed by the fifth defendant in I.A.Nos.516 and 517 of 2018 for reopening and recalling D.W.1 for the purpose of additional evidence. Those petitions were dismissed and the suit was also posted to 15.03.2019. Since the Presiding Officer was on leave, the case was adjourned to 26.03.2019. Hence, the petitioner's grievance is that he is a Senior citizen and aged about 76 years and he is very much worried about the partition suit, whereas the fifth defendant is not at all a sharer in the suit property and therefore, the unnecessary adjournments given by the trial Court is causing so much of inconvenience to the petitioner.

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

4.The petitioner contended that since the suit was filed long back for partition and the fifth defendant, who has no right in the suit property, is filing petition after petition to protract the proceedings and the trial Court has not considered the fact that the petitioner is a senior citizen and now, the apprehension of the petitioner is that once again the fifth defendant may file Civil Revision Petition against the dismissal of the said Interlocutory Applications. Hence this Civil Revision Petition is filed for seeking early disposal of the said suit.

5.On perusal of the records, it is observed that there was also RCOP proceedings relating to the suit property. When the fifth defendant has filed a petition in I.A.No.2 of 2019, the Court has every responsibility to hear the said application filed by him, who is concerned with the property on the suit and the trial Court has also proceeded accordingly. The petitioner can say that the fifth defendant has no share in the suit property, but when he files an application, then the trial has every duty and responsibility to hear the grievance of the fifth defendant. Now, the grievance of the petitioner is that as per the provision of Civil Procedure Code, the limited adjournments to be given to the parties for advancing their



arguments. In spite of directions given on the earlier two occasions in the CMP and CRP, the trial Court has not considered the same and that the time limit is not scrupulously followed by the trial Court. Since the record shows that the petitions are filed by the contesting parties, the responsibility is on the Court to dispose of the same. However, considering the representation and grievance made by the petitioner, once again the trial Court is directed to dispose of the case when it stands at the stage of arguments, within a period of three months from the date of receipt of a copy of this order and thereafter, the report has to be filed to that effect.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS IV)

To

1. The III Additional District Judge, Trichy.

2. The Special Tahsildar,
(Land Acquisition)
National Highways Office,
Kulathur, No.12, Devaki Complex,
Pudukottai - Trichy Main Road,
Keeranur, Pudukottai District.

1 CC to M/s.C.DHANASEELAN, Advocate (SR-59354[F] dated 05/04/2019)

rj2

C.R.P (MD) No.681 of 2019

05.04.2019

DS/ /SAR- (09.04.2019) 3P 4C