



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2019

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P (MD) No.759 of 2019 (PD)

Ramalakshmi

.. Petitioner / Plaintiff

Vs.

Seeni Abdul Kader

.. Respondent / Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned Subordinate Judge, Ramanathapuram, to dispose of the trial of the suit in O.S.No.95 of 2017 within the time fixed by this Court.

For petitioner : Mr.J.M.Hassanul Bazari

ORDER

This civil revision petition has been filed by the petitioner/ plaintiff seeking for a direction to the learned Subordinate Judge, Ramanathapuram, to dispose of the suit in O.S.No.95 of 2017 within a time frame.

2. On perusal of the records shows that the petitioner / plaintiff has filed the suit in O.S.No.95 of 2017 for the relief of permanent injunction for recovery of possession and recovery of rent due from November, 2016 to July, 2017. The petitioner/plaintiff is the owner of the shops and the respondent/defendant is the tenant of shop Nos.1/1 and 1/2 of the petitioner's premises. Since the petitioner's buildings are in dilapidated condition, she wants to demolish all the shops and 6 months prior, oral notice was given to all shops including the defendant's shop. The grievance of the petitioner is that though the suit has been filed by the petitioner/plaintiff in the year 2017 and the issues were framed as early as on 21.06.2018, the same is still pending for trial and the respondent/defendant has been dragging on the matter one way or the other and therefore, she has filed this revision petition seeking a direction for early disposal of the suit.

3. Mr.J.M.Hassanul Bazari, the learned counsel for the petitioner/plaintiff would contend that the matter has been unnecessarily dragged on by the respondent/defendant before the trial Court and hence, he prays for a direction for speedy trial.



4. In view of the limited relief sought for by the petitioner/plaintiff and also considering the fact that the disposal of the suit would not cause any prejudice to the respondent/defendant, this Court is of the view that notice need not be sent to the respondent/defendant.

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5. Considering the fact that the suit has been pending from 2017 onwards and also considering the submission of the learned counsel appearing for the petitioner/plaintiff, this Court, Without adverting to the merits of the case, is inclined to issue the following direction to the Court below:

"The Court below is directed to conduct trial on day-to-day basis and dispose of the suit on merits and in accordance with law as early as possible, preferably within a period of six months from the date of receipt of a copy of this order. The Court below is directed to send the compliance report to the Registry of this Court. Both the parties are directed to cooperate with the Court below for early disposal of the suit."

6. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

PJL

To

1.The Sub Judge,
Ramanathapuram.

+1CC TO MR.J.M.HASSANUL BAZARI, Advocate Sr. No. 66829

**ORDER MADE IN
C.R.P(MD)No.759 of 2019(PD)
03.06.2019**

KMV(CO)
TR (11.06.2019) 2P 3C