

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 08.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .No.752 of 2019**

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Subramaniyan

... Petitioner/3rd respondent /
3rd defendant

Vs.

1.A.Pandy

... 1st respondent/Appellant/
Plaintiff

2.Muniyandi

3.Rajendran

4.Muthirulu

5.Suseela

6. Tahsildar

O/o.Sivagangai Taluk,
Sivagangai District.7. The Government of Tamil Nadu,
rep. by the District Collector,
Sivagangai.... Respondents 2 to 7/Respondents
2 to 7/Defendants 2 to 7

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Subordinate Judge, Sivagangai to dispose of the appeal in A.S.No.39 of 2018 within a stipulated time.

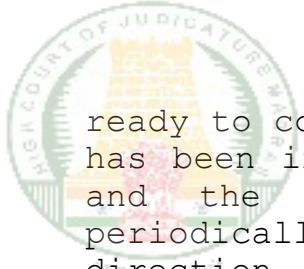
For petitioner : Mr.N.S.Ponnaiah

For respondents 1 to 5 : No appearance

For respondents 6 & 7 : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader**ORDER**

This civil revision petition has been filed by the petitioner seeking a direction to the learned Subordinate Judge, Sivagangai, to dispose of the appeal in A.S.No.39 of 2018 pending on his file, within a stipulated time.

2. The learned counsel for the petitioner submitted that the first respondent herein as plaintiff has filed the suit in O.S.No.185 of 2015 for permanent injunction. After trial, the trial Court has dismissed the suit. Aggrieved by the same, the first respondent herein/plaintiff filed appeal in A.S.No.39 of 2018. The grievance of the petitioner is that he is aged about 89 years and he wants to see the disposal of the appeal during his life time and he wants to be free from this false litigation during his life time. He would further submit that though the petitioner herein is always



ready to cooperate with the Court below, the first respondent herein has been intentionally dragging on the matter one way or the other and the Court below also has been adjourning the matter periodically. Hence, he has filed this revision petition seeking a direction for early disposal of the appeal suit in A.S.No.185 of 2015.

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3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 6 & 7.

4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondents by ordering this petition, this Court is of the view that notice need not be sent to the respondents 1 to 5.

5. Considering the limited relief sought for by the petitioner in this petition, year of the appeal and stage of the appeal, this Court, without going into the merits of the case, is inclined to issue the following direction to the Court below:

The learned Subordinate Judge, Sivagangai, is directed to conduct appeal suit in A.S.No.39 of 2018 and dispose of the same on merits and in accordance with law as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the first appellate Court for early disposal of the case.

6. This revision petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Subordinate Judge,
Sivagangai.

2. The District Munsif,
Sivagangai.

+1 CC to Mr.N.S.PONNAIAH, Advocate (SR-80555[F] dated 08/08/2019)
+1 CC to SPL GP (SR-81208[F] dated 09/08/2019)

C.R.P (MD) .No.752 of 2019
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