



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P(MD)No.1173 of 2019

- 1.Augument Agro Farms Private Ltd.,
represented by its authorised signatory,
N.Saravanan.
 - 2.Halo Greenfields Private Ltd.,
represented by its authorised signatory
Ganesan.
 - 3.Sky World Agro Farms Private Ltd.,
represented by its authorised signatory
Ashok Kumar Gupta.
 - 4.Watch Tower Agro Farms Private Ltd.,
represented by its authorised signatory,
Ashok Kumar Gupta.
 - 5.Ecosphere Agro Farms Private Ltd.,
represented by its authorised signatory,
Haresh Chaubey.
 - 6.Sight Greenfields Private Ltd.,
represented by its authorised signatory,
Haresh Chaubey.
 7. Emotions Builder Private Ltd,
represented by its authorised signatory,
Anbusajan.
 8. M3 Technosoft Private Ltd.,
represented by its authorised signatory
Anbusajan.
- Petitioners/

..

Defendant Nos.4 to 11

Vs.

1.M.Sathiaraj

.. 1st Respondent / Plaintiff

2.D.Pandiyarajan @ Pandiaraj

3.Anithra Pandiyarajan

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



4.Ravindranath

.. Respondents 2 to 4 /
Defendants 1 to 3

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif, Periyakulam, to expedite the trial in O.S.No.169 of 2015 and pass orders within a reasonable period to be fixed by this Court.

For Petitioner : Mr.V.Sukumar

ORDER

This Civil Revision Petition is filed seeking a direction to the learned District Munsif, Periyakulam, to expedite the trial in O.S.No.169 of 2015 and dispose of the same within a time frame.

2. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3. The petitioners are the defendants 4 to 11 in O.S.No.169 of 2015 on the file of the learned District Munsif, Periyakulam. Originally, the first respondent herein filed a suit for the relief of permanent injunction restraining the defendants, their men and anybody claiming through him, from in any way disturbing with the peaceful possession and enjoyment of the suit property or otherwise by dispossessing the plaintiff from the suit property, except under by due process of law.

4. The learned counsel for the petitioners submitted that the grievance of the petitioners (D4 to D11) is that for the past three years, no progress is made in the above suit and as of now, the suit is pending for receiving the additional written statement from D1 to D3. Since the petitioners are the auction purchasers, early disposal of the suit is necessary for obtaining the possession of the suit property. Even though, the grievance submitted by the petitioner is a reasonable one, now, on going through the copy of the B-diary enclosed along with this petition, it appears that in the year 2016 itself, after receiving the written statement filed by the defendants, issues were framed and the suit is posted for trial. But, for the reasons that C.M.A.No.3 of 2016 filed by the first respondent herein/plaintiff, against the order passed in I.A.No.505 of 2015, is pending before the learned Sub Judge, Theni, the suit is repeatedly adjourned. Further, on 23.01.2017, when the case was posted for trial, another one application under Order 1 Rule 10 was filed in I.A.No.48 of 2017 by the plaintiff/1st respondent herein and the same was kept pending till date. Only on 24.08.2017, the said application was allowed and thereafter, the suit is again posted for taking steps to amend the plaint.



5. In such circumstances, it cannot be held that the suit is adjourned without any progress. Apart from that, in the Court, in which the said suit is pending, probably 1500 suits are kept pending for disposal. In the said circumstances, since the suit pertaining to this Civil Revision Petition is filed in the year 2015, it is not appropriate to give direction to dispose of the same within a stipulated period. However, considering the relief sought for by the petitioner in the suit, it is necessary to give some direction. Accordingly, the learned District Munsif, Periyakulam is directed to dispose the suit in O.S.No.169 of 2015 as expeditiously as possible.

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

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

The District Munsif,
Periyakulam.

+1 CC to M/s.V.SUKUMAR, Advocate (SR-77130[F] dated 24/07/2019)

C.R.P (MD) No.1173 of 2019
22.07.2019

JM/09.08.2019/3P/3C