



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P. (PD) (MD) No.1167 of 2019

WEB COPY

B.Lakshmi

... Petitioner/Plaintiff

Vs.

1.P.Jayaraman,
2.S.Ponnuchamy
3.A.Poovendran

... Respondents/Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to issue direction directing the Subordinate Court, Sivagangai, to dispose of O.S.No.8 of 2017 pending on the file of the Subordinate Court, Sivagangai, within the time as fixed by this Court.

For Petitioner : Mr.N.Tamilmani

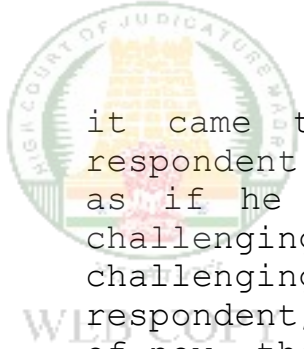
ORDER

The petitioner is the plaintiff in O.S.No.8 of 2017 on the file of the Subordinate Court, Sivagangai. She has approached this Court by way of filing this petition under Article 227 of Constitution of India, seeking the relief to direct the learned Subordinate Judge, Sivagangai to dispose of the above referred case in a time frame manner.

2.Before the trial Court, the petitioner has filed a suit for the relief of declaration declaring that the suit schedule property is his absolute property and for the relief of permanent injunction restraining the defendants and their men not to interfere with the peaceful possession and enjoyment of the plaintiff. As of now, the said suit is posted for trial but not included in the special list.

3.Before the trial Court, it is the case of the petitioner that in the year of 2013, the petitioner borrowed a sum of Rs.10,000/- from the first respondent by depositing the title deed pertaining to the suit property. Subsequently, during the year 2014, she had further borrowed a sum of Rs.20,000/- from the first respondent. At the time of borrowing the said amount, the first respondent demanded the petitioner to execute a mortgage deed for Rs.30,000/-. Believing his words, he put her signatures on 20.02.2014 in the stamp papers, which were said to have been prepared as mortgage deed. The husband of the petitioner has also signed the document as a witness.

4.After some time from the date of execution of the said deed,



it came to the knowledge of the petitioner that the second respondent executed a sale deed in favour of the third respondent, as if he is the power agent of the petitioner. Therefore, challenging the said act done by the respondents 1 to 3 and also challenging the sale deed stands in the name of the third respondent, the petitioner filed a suit in the year of 2017. As of now, the same was pending for trial.

5.The only grievance expressed by the learned counsel for the petitioner is that the petitioner is the aged lady and also the property now under dispute, is more than Rs.14 lakhs. Only because of the reason that the petitioner is age old lady, she seeks for the early disposal of the suit. In fact, the reason stated by the learned counsel for the petitioner may be a reasonable one. However, on considering the fact that the learned Subordinate Judge, Sivagangai is having huge number of old cases, it cannot be possible to dispose the suit quickly at this stage. Hence, considering the above circumstances, I am of the considered opinion that it is appropriate to give some direction to the learned Subordinate Judge, Sivagangai.

6.For the forgoing reasons, this Court directs the learned Subordinate Judge, Sivagangai to dispose of the suit in O.S.No.8 of 2017 within a period of eight months from the date of receipt of a copy of this order.

7.With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge, Sivagangai.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-76259[F] dated 19/07/2019)

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