



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1365 of 2019

1.Shashikala Vamanan

2.Kamini Kumar

... Petitioners/
Defendants

Vs.

C.R.Rajkumar

... Respondent/
Plaintiff

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif cum Judicial Magistrate, Kodaikanal, to dispose of the suit in O.S.No.92 of 2016 together with I.A.No.304 of 2017 on its file, within a time frame.

For petitioners : Mr.Isaac Mohanlal,
Senior Counsel for
M/s.Isaac Chambers

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned District Munsif cum Judicial Magistrate, Kodaikanal, to dispose of the suit in O.S.No.92 of 2016 together with I.A.No.304 of 2017 pending on his file, within a stipulated time.

2. The learned senior counsel appearing for the petitioners submitted that the respondent herein as plaintiff has filed the suit in O.S.No.92 of 2016 for declaration that the settlement deeds executed by his mother are null and void and for permanent injunction. The petitioners herein filed I.A.No.304 of 2017 for rejection of plaint. The grievance of the petitioners is that the respondent has been intentionally dragging on the matter one way or the other and the Court below also has been adjourning the matter periodically. He would further submit that though the petitioners sought for a direction to dispose of the suit along with I.A.No.304 of 2017, the petitioners would be satisfied if a direction is issued to the Court below to dispose of I.A.No.304 of 2017 within a stipulated time.



3. Heard the learned senior counsel for the petitioners.

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

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

The learned District Munsif cum Judicial Magistrate, Kodaikanal, is directed to dispose of I.A.No.304 of 2017 in O.S.No.92 of 2016 on merits and in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the case.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The District Munsif cum Judicial Magistrate,
Kodaikanal.

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