



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1310 of 2019

A.Sethu Ramayee

... Petitioner/
Appellant / Plaintiff

Vs.

1.The Tahsildar,
Tahsildar Office,
Bodinayakkanur Taluk,
Theni District.

2.The District Collector,
Theni District,
Theni.

3.Lakshmiammal

4.Velumani

5.Veeramani @ Sumathi

6.Rajeshwari

7.Muthumeena

8.Krishnaveni

... Respondents /
Respondents/ Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Subordinate Judge, Theni, to dispose of the Appeal Suit in A.S.No.2 of 2017 pending on the file of the Subordinate Court, Theni, within a stipulated time.

For petitioner

: Mr.S.Ayyanar Prem Kumar

For 1st and 2nd respondents

: 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, Theni, to dispose of the appeal suit in A.S.No.2 of 2017 pending on his file, within a stipulated time.

2. The learned counsel for the petitioner submitted that the

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



petitioner has filed the suit in O.S.No.57 of 2012 for declaration that she is the only legal heir of her father - Arumugam and her mother - Palaniammal. The trial Court dismissed the suit. Aggrieved by the same, the petitioner filed A.S.No.2 of 2017. The grievance of the petitioner is that though the petitioner herein has filed the appeal suit in the year 2017, the respondents have been intentionally dragging on the matter one way or the other and the Court below also has been adjourning the matter periodically. The appeal suit is still pending without any progress. Hence, she has filed this revision petition seeking a direction for early disposal of the appeal suit in A.S.No.2 of 2017.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2. The learned Additional Government Pleader has no objection in allowing this petition.

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 3 to 8 by ordering this petition, this Court is of the view that notice need not be sent to the respondents 3 to 8.

5. Considering the limited relief sought for by the petitioner in this petition, year of the appeal suit 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, Theni, is directed to dispose of the appeal suit in A.S.No.2 of 2017 on merits and in accordance with law as expeditiously as possible, preferably within a period of six months 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 (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To
The Subordinate Judge, Theni.



+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-80749[F] dated 08/08/2019)

+1 CC to M/s.SPL GP (SR-81206[F] dated 09/08/2019)

C.R.P (MD) .No.1310 of 2019
08.08.2019

gcg

JMN (21.08.2019) 3P : 4C