



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.1306 of 2019

1.S.Ganesan

2.Arumugavadivu

... Petitioners/
Defendants 2 & 3

Vs.

1.K.Pitchammal

2.Perumal

... Respondents 1 & 2/
Plaintiffs 1 & 2

3.Thadiyakaran @ Thadikaran

4.Kumaraguruparar

5.Kodeeswarani Mani @
Balasubramanian

... Respondents 3 to 5/
Defendants 1, 4 & 5

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Principal Subordinate Judge, Tirunelveli to expedite the trial in O.S.No.175 of 2016 on his file, within a time frame, fixed by this Court.

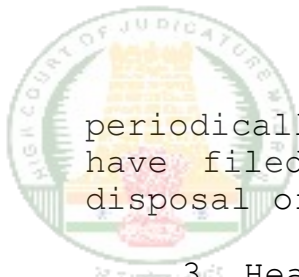
For petitioners

: Mr.B.Anandan

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned Principal Subordinate Judge, Tirunelveli, to dispose of the suit in O.S.No.175 of 2016 pending on his file, within a stipulated time.

2. The learned counsel for the petitioners submitted that the respondents 1 and 2 herein have filed the suit in O.S.No.175 of 2016 for partition. The petitioners herein / defendants 2 and 3 have filed their written statements. The grievance of the petitioners is that though the petitioners herein have already filed their written statements and they are ready to cooperate with the Court below for disposal of the suit, the first and second respondents / plaintiffs have been intentionally dragging on the matter one way or the other and the Court below also has been adjourning the matter



periodically and the trial is also not yet completed. Hence, they have filed this revision petition seeking a direction for early disposal of the suit in O.S.No.175 of 2016.

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

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

The learned Principal Subordinate Judge, Tirunelveli, is directed to conduct trial of the suit in O.S.No.175 of 2016 on day-to-day basis and dispose of the same 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 (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Subordinate Judge,
Tirunelveli.

+1 CC to Mr.B.ANANDAN, Advocate SR-80808.

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