



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD)No.1370 of 2019

R.Ramamoorthy .. 1st Defendant/ Petitioner

Vs.

1.M.A.Rejaak .. Plaintiff/ Respondent

2.The Assistant Engineer,
TNEB Distribution for Circle,
Sengamangalam,
Peravoorani Town,
Pattukottai Ti.Mu.illakka,
Tanjore District.

3.The Block Development Officer (BDO),
Peravoorani @ Aavanam,
Peravoorani Town,
Pattukottai Ti.Mu.illakka,
Tanjore District.

4.The District Collector,
Tanjore District,
Tanjore.

.. Defendants 2 to 4/
Respondents 2 to 4

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned District Munsif, Pattukottai to dispose of the suit in O.S.No.11 of 2019 within the stipulated time.

For petitioner : Mr.P.Subburaj

For Respondents 3 & 4 : Mr.J.Gunaseelan Muthiah,
Addl. Govt. Pleader.

ORDER

This civil revision petition has been filed by the petitioner / 1st defendant seeking for a direction to the learned District Munsif, Pattukottai to dispose of the suit in O.S.No.11 of 2019 within a stipulated time.

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



2. According to the petitioner / 1st defendant, the 1st respondent / plaintiff has filed the suit in O.S.No.11 of 2019 for the reliefs of declaration, mandatory and permanent injunctions. The petitioner / 1st defendant has also filed his written statement. The Court below finding that since the market value of the suit property is above Rs.1,00,000/- and the Court below has no pecuniary jurisdiction to entertain the suit, has posted the suit under the caption 'for maintainability'. The grievance of the petitioner is that though the suit has been posted under the caption "for maintainability", the matter has been adjourned without any valid reason and therefore, he has filed this revision petition seeking a direction for early disposal of the suit.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner / 1st defendant would submit that since the Court below has posted the suit 'for maintainability', it would suffice if a direction is given to the Court below to decide the maintainability of the suit within a time frame.

4. Heard the learned counsel for the petitioner / 1st defendant. In view of the limited relief sought for by the petitioner / 1st defendant, this Court is of the view that notice need not be sent to the respondents 1 and 2.

5. Considering fact that the suit has been posted for maintainability and also considering the submission of the learned counsel appearing for the petitioner / 1st defendant, this Court, without advert to the merits of the case, is inclined to direct the Court below to decide the maintainability of the suit, on merits and in accordance with law after hearing both sides, as early as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below.

6. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

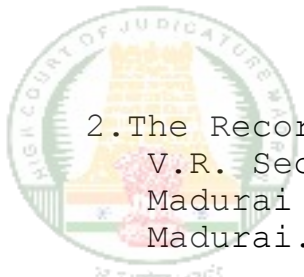
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif,
Pattukottai.



2.The Record Keeper, (2 COPIES)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.SUBBARAJ, Advocate (SR-82300[F] dated 19/08/2019)

+1 CC to M/s.SPL GP (SR-82475[F] dated 20/08/2019)

ORDER MADE IN
C.R.P (MD)No.1370 of 2019
16.08.2019

SMN
MS/04.09.2019/3P.6C