



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD)No.1671 of 2019

and

C.M.P. (MD)No.8645 of 2019

WEB COPY

1.Azhagar
2.Jeevanandham
3.Jothi

... Petitioners / Defendants 1 - 3

Vs.

R.Gopalakrishnan

... Respondent / Plaintiff

Prayer: The petition filed under Article 227 of the Constitution of India, to struck off the plain in O.S.No.71 of 2016 pending before the District Munsif Court, Melur, Madurai District the property situtated at Kunnathur I Bit, Kalimangalam Post, Madurai East Taluk, in Survey No.44/4 to an extent of 28 cents(in 0.11.5 hectare)

For Petitioners : Mr.M.Thurukkumaran

For Respondent : Mr.T.R.Subramanian

ORDER

This Civil Revision Petition has been filed to struck off the plain in O.S.No.71 of 2016 pending before the District Munsif Court, Melur, Madurai District.

2.The learned counsel appearing for the revision petitioner would submit that the petitioners, who are the defendants 1 to 3 in the suit, are the owners of the suit property and they are in possession and enjoyment of the same for the past 45 years and patta has also been issued in their names. In these circumstances, the respondent has no locus standi to file the present suit for permanent injunction. However, the learned counsel submitted that in view of the Judicial Notifcation No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, a suit would be disposed of within a period of 2 years from the date of filing the same and hence, if the Court below would be directed to dispose of the suit in O.S.No.71 of 2016 within a time frame, the petitioners would be satisfied.

3.The learned counsel appearing for the respondent would submit that the respondent has filed written statement and he fairly agreed for the earlier disposal of the suit within a time frame.



4.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent.

5.Considering the facts and circumstances of the case and considering the submissions made on either side and also taking into consideration of the judicial notification, this Court directs the District Munsif Court, Melur, Madurai District to dispose the suit in O.S.No.71 of 2016, within a period of 4 months from the date of receipt of a copy of this order. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Munsif,
Melur, Madurai District.

+1 CC to Mr.T.R.SUBRAMANIAN, Advocate (SR-88454[F] dated 23/09/2019)

+1 CC to Mr.N.THIRUKKUMARAN, Advocate (SR-88653[F] dated 23/09/2019)

**C.R.P. (MD)No.1671 of 2019
23.09.2019**

nbj

MK (18.10.2019) 2P 4C