



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

**CRP(MD)No.1541 of 2019**

V.Eswaran

... Petitioner

versus

A.Ochammal (died)

E.Satheeskumar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the learned Subordinate Court, Uthamapalayam, Theni District to dispose of O.S.No.69 of 2017 within the time stipulated by this Court.

For Petitioner : Mr.V.Eswaran (party-in-person)

**ORDER**

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Court, Uthamapalayam, Theni District to dispose of O.S.No.69 of 2017 within the time stipulated by this Court.

2. Today, when the Civil Revision Petition is taken up for consideration, the Revision Petitioner appeared in person and submitted that a suit in O.S.No.91 of 2015 has been filed by the second respondent herein for specific performance before the Sub Court, Theni. Thereafter, the said suit has been re-numbered as O.S.No.69 of 2017 and the same is still pending before the Sub Court, Uthamapalayam, Theni District. The revision petitioner has also produced a Notification dated 23.11.2007 issued by the Government, wherein, there was a reference with regard to the directions to the Hon'ble High Court, Madras, to frame rules in regard to "Case Flow Management in the Subordinate Courts", pursuant to which, the High Court also framed rules by fixing the time limit for disposal of the cases. With regard to the suit for specific performance, the time limit fixed for disposal of the suit is 24 months. By referring the same, the Revision Petitioner submitted that even after the expiry of 5 years, the suit in O.S.No.69 of 2017 filed for specific performance has not been disposed of. Hence, he



is constrained to approach this Court by way of filing this Civil Revision Petition.

3. Heard the revision petitioner appeared in party-in-person and persued the materials available on records.

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4. A perusal of records would go to show that originally, the suit for specific performance was filed in the year 2015 and the same is still pending for the past 5 years. Further, the Notification dated 23.11.2007 issued by the Government also refers the rules framed by this Court, pursuant to the direction issued by the Hon'ble Apex Court, with regard to the disposal of the cases pending before the Subordinate Civil Courts and Tribunal and the time limit for disposal of the suit for specific performance is fixed as 24 months. But, the Court below has not followed the same. Hence, this Court is of the view that it is appropriate to direct the learned Subordinate Judge, Uthamapalayam, Theni District, to dispose of O.S.No.69 of 2017 within a period of six months.

5. Accordingly, the learned Subordinate Judge, Uthamapalayam, Theni District, is directed to dispose of O.S.No.69 of 2017, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Sub Court,  
Uthamapalayam,  
Theni.

+1 CC to M/s.V. ESWARAN, Advocate ( SR-85268[F] dated 05/09/2019 )

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**05.09.2019**

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