



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2019

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.1501 of 2019

Paulraj

... Petitioner/1st Defendant

-Vs-

1.Thanislaus

...1st Respondent/Plaintiff

2.Jeyaseelan

3.Jagis

4.Abisha

5.Arul Inbaseelan

6.The Revenue Divisional Officer
Padmanabhapuram Office at Mettukadai
Thuckalay
Thuckalay Post, Thuckalay Village
Kalkulam Taluk, Kanyakumari District

7.The Sub Registrar
Verkizambhi
Office at Verkizambhi
Verkizambhi Post
Meycode Village
Kalkulam Tauk
Kanyakumari District

8.The State of Tamil Nadu
Represented by the District Collector
Nagercoil, Kanyakumari District

... Respondent Nos. 2 to 8
/Defendant Nos. 2 to 8

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of a direction, to direct the learned Additional District Munsif, Padmanabhapuram to expedite the proceedings in O.S.No.296 of 2014 within the time prescribed by this Court.

For Petitioner : Mr.N.Dilipkumar
<https://hcservices.ecourts.gov.in/hcservices/>

**ORDER**

This Civil Revision Petition has been filed seeking a direction to dispose of the suit in O.S.No.296 of 2014 on the file of the Additional District Munsif Court, Padmanabhapuram within the time prescribed by this Court.

2.The learned counsel for the petitioner would submit that the first respondent as plaintiff filed a suit in O.S.No.296 of 2014 to declare the Judgment and Decree dated 15.02.2006 in O.S.No.13 of 2005 and the Judgment and Decree dated 14.03.2012 in O.S.No.379 of 2011 as null and void and also the relief of permanent injunction restraining the petitioner from disturbing the peaceful possession and enjoyment of the suit schedule property. In this circumstance, the first respondent/plaintiff filed an application in I.A.No.253 of 2018 in O.S.No.296 of 2014 for filing a reply statement to the counter filed by the petitioner/1st defendant in O.S.No.296 of 2014. At the request of the first respondent/plaintiff, I.A.No.253 of 2018 was adjourned by nine hearings for filing reply statement to the written statement and the said I.A was pending from 27.09.2018 onwards, without any progress. In this circumstance, the petitioner filed a Civil Revision Petition in C.R.P.No.1313 of 2019 before this Court seeking for early disposal of the I.A.No.253 of 2018. This Court by order dated 09.08.2019, directed the learned trial Judge to dispose the I.A.No.253 of 2018 within a period of six weeks from the date of receipt of a copy of the order. The learned trial Judge had disposed the I.A.No.253 of 2018 on 14.08.2019. The learned counsel further submitted that the suit is adjourned by the trial Judge for framing additional issues, if any, on 06.09.2019 and the issues were already framed on 09.03.2018 itself. The grievance of the petitioner is that he is aged about 65 years and the suit is posted for trial on several hearings, but the trial has not been taken up and therefore, it is pending for more than four years at the stage of framing of issues. Hence, the petitioner has come forward with this Civil Revision Petition seeking for early disposal of the above suit.

3. Heard the learned counsel for the petitioner.

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

5. Considering the age factor of the petitioner and also considering the fact that the suit is of the year 2014, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Additional District Munsif, Padmanabhapuram to dispose of the suit in O.S.No.296 of 2014 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar(Records)

WEB COPY/TRUE COPY/

Sub Assistant Registrar

To,

The Additional District Munsif,
Padmanabhapuram, Kanyakumari District.

COPY TO:
THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-84631[F] dated
30/08/2019)

C.R.P. (MD) No.1501 of 2019

30.08.2019

msa

JM/30.08.2019/3P/4C