



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2019

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1509 of 2019

1.Kaamatchiyammal
2.Chinnadurai

... Petitioners/Defendants 3 & 4

Vs.

1.Kasthuri
2.Balasubramani

... Respondents / Plaintiffs

3.Subbulakshmi
4.Radhika

...Respondents /Defendants 1 & 2

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif Cum Judicial Magistrate, Kodaikanal to dispose the suit in O.S.No.184 of 2007 pending on his file within a stipulated time.

For petitioners : Mr.K.Sudalaiyandi

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned District Munsif Cum Judicial Magistrate, Kodaikanal to dispose of the suit in O.S.No.184 of 2007 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 a suit in O.S.No.184 of 2007 against the respondents 3 and 4 and the petitioners herein seeking declaration to declare the suit property belongs to all the respondents herein and for the relief of injunction. In the said suit, the respondents 1 and 2 were set exparte. The learned counsel further submitted that the petitioners have appeared through counsel before the Court below and filed their written statement. Further,he submitted that in the course of trial, both side evidence completed on 08.02.2018 and the trial Court has



posted the suit for arguments on 23.02.2018 and thereafter, it was adjourned in the stage of arguments on various dates. The grievance of the petitioners is that the respondents herein have filed an interlocutory application in I.A.No.239 of 2007 for appointment of Court Commissioner to inspect the suit property. After inspecting the suit property, the report was also filed by the Court Commissioner on 29.11.2018 and the said application is pending only for examination of the Commissioner alone. The further grievance of the petitioners is that without considering the long pendency of the above suit, the respondents herein are unnecessarily dragging the proceedings without commencing the arguments to dispose the suit. Hence, the petitioners have filed this revision petition seeking a direction for early disposal of the suit.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

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 facts and circumstances of the case and also considering the fact that the suit in O.S.No.184 of 2007 is of the year 2007, 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 advertting to the merits of the case, a direction is issued to the learned District Munsif Cum Judicial Magistrate, Kodaikanal to dispose of the suit in O.S.No.184 of 2007 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/-

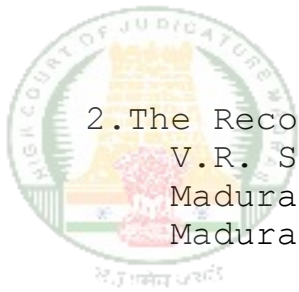
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

msa
To

1.The District Munsif Cum Judicial Magistrate
Kodaikanal



2.The Record Keeper,-2 copies
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-84446[F] dated
30/08/2019)

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KM/ (19.09.2019) 3P 5C