



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P(MD)No.1901 of 2019

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A. Ramzan Begam

... Petitioner / 1st defendant

Vs.

1.Janab Miyan Maraikkayar

2.Janab Seyed Malukku Methar

3.Mejack

4.Yobu

5.Esaakku

6.Mookandi

7.Aaron

8.Kasirajan

9.Dhanaraj

10.Selvakumar

11.Jegadish

12.Kaliasam

.. Respondents 1 & 2 / plaintiffs

.. Respondent 3 to 12/ Defendants 2 to 11

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking direction to the learned Additional District Munsif Cum Judicial Magistrate, Sivagiri, to decide the preliminary issue framed on 28.08.2015 with regard to the pecuniary Jurisdiction in O.S.No.184 of 2007 expeditiously within a time frame fixed by this Court.

For Petitioner

: Mr.S.P. Maharajan

ORDER

This Civil Revision Petition has been filed for issuing a direction to the learned Additional District Munsif-Cum-Judicial Magistrate, Sivagiri, to decide the preliminary issue framed on 28.08.2015, with regard to the pecuniary Jurisdiction in O.S.No.184 of 2007, within a time frame to be fixed by this Court.

2. The respondents 1 and 2, who are the plaintiffs, have filed a suit in O.S.No.184 of 2007, on the file of the learned Additional District Munsif-Cum-Judicial Magistrate, Sivagiri, for partition. However, the said suit is being adjourned periodically for clarification about jurisdiction from 30.11.2016. Hence, the petitioner has come out with the present Civil Revision Petition before this Court.

3. In view of the Judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, <https://hcservices.ecourts.gov.in/hcservices/>



dated 23.11.2017, based on the order passed by the Hon'ble Supreme Court in **W.P(Civil).No. 496 of 2002, (Salem Advocates Bar Association, Tamil Nadu Vs. Union of India)**, the learned counsel contended that suit must be disposed of within a period of 24 months from the date of filing.

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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 facts and circumstances of the case and also the submission made by the learned counsel appearing for the petitioner and the judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, dated 23.11.2017, this Court is inclined to issue a direction to the Court below to dispose of the said suit within a time frame.

6. Accordingly, the learned Additional District Munsif Cum Judicial Magistrate, Sivagiri, is hereby directed to dispose of the suit in O.S.No.184 of 2007, pending on its file, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

7. This Civil Revision petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Additional District Munsif Cum Judicial Magistrate,
Sivagiri.

+1 CC to MR.S.P. MAHARAJAN, Advocate(SR-93980[F]dated 23/10/2019)

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VB(14.11.2019) 2P 3C