



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP (MD) No.1968 of 2019

WEB COPY

Balkis Beevi

... Petitioner/Petitioner/Plaintiff

versus

1. Mehar Ali

2. Hutharathullah

... Respondents/Respondents/Defendants

Revision Petition filed under Article 227 of Constitution of India, seeking a direction to the District Munsif Court, Ramanathapuram, to dispose of the interlocutory application in I.A.No.69 of 2018 in O.S.No.13 of 2008, within a stipulated time.

For Petitioner

: Mr.J.Barathan

ORDER

This Civil Revision Petition has been filed seeking a direction to the District Munsif Court, Ramanathapuram, to dispose of the interlocutory application in I.A.No.69 of 2018 in O.S.No.13 of 2008, within a stipulated time.

2. According to the revision petitioner, she filed a suit in O.S.No.13 of 2018, before the District Munsif Court, Ramanathapuram, seeking the declaration, declaring that the property belongs to the plaintiff and also for injunction, restraining the defendants/respondents herein from interfering with the construction of a wall in the northern side and also for damages. Pending the suit, she filed an interlocutory application in I.A.No. 69 of 2018 in O.S.No.13 of 2008, seeking ad-interim injunction restraining the defendants/respondents herein from interfering with the construction of a wall in the northern side, till the enquiry. Since the said application was not disposed of till date, by granting adjournment from time to time for respondents' side enquiry, the present application has been filed.

3. A perusal of the docket order of the Court below shows that the said application was adjourned for filing counter from 19.02.2018 till June 2018. Thereafter, it was listed for more than seven hearings till September 2019 to complete the enquiry. Then, it was listed for nineteen hearings for respondent's side enquiry, i.e. adjourned from October 2018 till 09.09.2019. Hence, the revision petitioner was constrained to file the present revision petition. The attitude of the respondents shows that they wasted the precious time of Court and they are intentionally protracting



the matter. Further, the Court below adjourned the matter from time to time without having any reasons.

4. Considering the facts and circumstances of the case, this Court directs the Court below to dispose of I.A.No.69 of 2018 in O.S.No.13 of 2008, on merits and in accordance with law, within a period of 30 days from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Munsif Court,
Ramanathapuram.

+1CC to M/s.T.R.JEYAPALAM, Advocate (SR-96695[F] dated 07/11/2019)
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