



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.882 of 2013

and

M.P. (MD) No.1 of 2013

Jeyapal

... Petitioner

Vs.

1.Arunachalam

2.Sankaralingam

..Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 05.03.2013 made in I.A.No.1 of 2012 in I.A.No.387 of 2008 in O.S.No.170 of 2008 on the file of the District Munsif Court, Aruppukottai.

For Petitioner : Mr.PT.S.Narendra Vasan

For Respondents : Mr.J.Sudhakaan

ORDER

This civil revision petition is filed by the plaintiff in the suit in O.S.No.170 of 2008 to set aside the order dated 05.03.2013 made in I.A.No.1 of 2012 in I.A.No.387 of 2008 in O.S.No.170 of 2008 on the file of the District Munsif Court, Aruppukottai.

2. The revision petitioner filed a suit in O.S.No.170 of 2008 for declaration of title and consequential injunction in respect of the suit scheduled property. The revision petitioner has also filed I.A.No.387 of 2010 in O.S.No.170 of 2008 for temporary injunction restraining the defendants in the suit from interfering with his peaceful possession of the suit property. During the pendency of the said application, the defendants have filed I.A.No.1 of 2012 in I.A.No.387 of 2008 for admitting a plan, dated 09.08.1939 issued by Aruppukottai Panchayat stating that the said plan would indicate that the suit property is enjoyed by the parties to the suit as a common pathway. This petition was opposed by the plaintiff on the ground that the said document can not be allowed without the details as to the authority, by whom the said plan was issued and other details of the authority, who issued the copy of the plan. The said application was allowed by the trial Court that the defendants should be given an opportunity to mark documents subject admissibility and other objections that may be raised by the revision petitioner. It is this order that is now



been challenged by the plaintiff before this Court.

3. The revision petitioner has not produced any document to contradict the said plan sought to be marked or to show that the document is inadmissible for any valid ground. This Court does not see any irregularity in the order of the lower court in allowing this application subject to the objection that would be considered at the time of disposing I.A.387 of 2008. In that view of the matter this Court does not find any merit in this revision petition. Hence, this petition is dismissed.

4. The learned counsel for the petitioner submitted that the suit was filed in the year 2008 and therefore, a direction may be issued for early disposal of the suit. The fact remains that the progress of the suit itself has been stalled because of the pendency of this petition.

5. This Court is of the view that a direction has to be issued to the lower Court. Accordingly, the District Munsif Court, Aruppukottai is directed to dispose of O.S.No.170 of 2008 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

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To

1.The Munsif Court, Aruppukottai

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

C.R.P. (PD) (MD) No.882 of 2013
15.02.2019

SAR (CO)

TR (10.05.2019) 2P 3C