

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP No.1235 and 1236 of 2020

R.Vimala

... Petitioner in both CRP/
1st Plaintiff in both the Suits

Vs.

1. R.Pushparani
2. Om Prakesh
3. Prabhakaran
4. R.Vittabai
5. R.Usha
6. R.Kalavathi

... Respondents 1 to 3/Defendants

... Respondents 4-6/Plaintiffs
2 to 4 in O.S. 374/2017.

1. R.Pushparani
2. R.Vittabai
3. R.Usha
4. R.Kalavathi

... Respondents/Defendants in
O.S.No.165 of 2014.

Prayer in CRP No.1235 of 2020: This civil revision petition has been filed under Article 227 of the Constitution of India for direction to the Subordinate Judge, Poonamallee to dispose of the suit in O.S.No.374 of 2017, within a time frame as fixed by this court.

Prayer in CRP No.1236 of 2020: This civil revision petition has been filed under Article 227 of the Constitution of India for direction to the Subordinate Judge, Poonamallee to dispose of the suit in O.S.No.165 of 2014, within a time frame as fixed by this court.

For Petitioner: Mr.R.Karthikeyan
in both the Petitions

O R D E R

The civil revision petitions in CRP No.1235 of 2020 and CRP No.1236 of 2020 have been filed for direction to the Subordinate Judge, Poonamallee to dispose the suits in O.S.No.374 of 2017 and O.S.No.165 of 2014 respectively, within a time frame, as fixed by this court.

2. The petitioner in both the civil revision petitions is the plaintiff in the above said suits. The suit in O.S.No.374 of 2017 has been filed for declarations that the settlement deeds executed in favour of the first, second and third defendants are null and void and the suit in O.S.No.165 of 2014 has been filed for partition.

3. According to the petitioner, in the suit in O.S.No.165 of 2014, issues were framed and trial commenced and the suit was pending at the stage of PW1 Cross for a year. The contention of the petitioner is that originally he filed a suit in O.S.No.192 of 2016 on the file of District Munsif, Poonamallee and vide order made in the transfer original petition in Tr.O.P.No.205 of 2016, it was transferred to the file of the Subordinate Judge, Poonamallee and renumbered as O.S.No.374 of 2017 for joint trial along with O.S.No.165 of 2014 and both the suits are pending before the Trial Court without any progress. He further submitted that the petitioner is at the age of 69 years and hence, he prayed for direction to the trial court to dispose the above said suits, within a time frame, as fixed by this court.

4. Considering the fact that the suit in O.S.No.165 is of the year 2014 and both the suits are pending for nearly five years, and also taking note of the fact that the petitioner is aged 69 years, this court is inclined to pass the following order.

The Subordinate Judge, Poonamallee is directed to give preference to dispose of the suits in O.S.No.165 of 2014 and O.S.No.374 of 2017, as early as possible, without granting unnecessary adjournments, unless the parties satisfied the court with valid grounds.

5. With the above direction, the civil revision petition in CRP No.1235 of 2020 and CRP No.1236 of 2020 are disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mst
To

The Subordinate Judge,
Poonamallee.

CRP No.1235 and 1236 of 2020

VGI (CO)
SP(17/07/2020)