

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20..01..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.3311 of 2019

C.Palaniappan

... Petitioner

-Versus-

1.Mrs.Jothini

2.Sub Registrar,
Paramathi Velur Town and Taluk,
Namakkal District.

3.Thangavel

... Respondents

Petition filed under Article 227 of the Constitution of India, praying to issue a direction to the learned District Munsif, Paramathi Velur, Namakkal District, to dispose of the suit in O.S.No.64 of 2016 at the earliest with the time frame to be fixed by this court.

For Petitioner : Mr.M.Murali

ORDER

This revision petition has been filed seeking a direction to the learned District Munsif, Paramathi Velur, Namakkal District, to dispose of the original suit in O.S.No.64 of 2016 at the earliest.

2. The petitioner is the 2nd plaintiff in the said suit. The said suit has been filed for a decree of declaration declaring that the survey number mentioned as S.No.104/2C under the sale deed dated 14.03.207, vide Doc.No.732 of 2007 registered on the file of the Velur Sub Registrar, is incorrect and further declaring that the correct survey number of the property is as "S.No.104/2D" and for a mandatory injunction directing the 2nd defendant to register the declaratory decree on his file in the appropriate register. The grievance of the petitioner is that even though the suit has been filed in the year 2016, there is no substantial progress in the suit and hence, he has no other

option except to approach this court by way of the present revision petition.

3. Considering the limited nature of the relief sought for in this revision petition, this court is of the view that no notice is necessary as no prejudice would be caused to the other side if a direction is issued to the court below for early disposal of the original suit.

4. I have heard the learned counsel for the petitioner and also perused the records carefully.

5. Earlier, this court had, by order dated 04.10.2019, directed the learned District Munsif to submit a report as to the stage of the original suit and reasons as to why the trial is getting delayed. Accordingly, the learned District Munsif submitted her report wherein she has stated that pending suit, the 1st plaintiff died and as such an application came to be filed to bring the legal representatives of the deceased 1st plaintiff on record with a delay along with an application seeking condone the delay in filing the application to bring the legal representatives of the deceased 1st plaintiff on record and the same have been pending. Therefore, according to the learned District Munsif, she could not take up the suit for trial and dispose of the same.

6. From a careful perusal of the records, it could be seen that the application to condone the delay in filing the application to bring the legal representatives of the deceased 1st plaintiff on record is pending since December 2018 and the same has been adjourned periodically. In the above circumstances, the court below is directed to dispose of the interlocutory application in I.A.No.848 of 2018 within a period of two weeks from the date of receipt of a copy of this order and thereafter, take up the suit for trial and dispose of the same within a period of six months therefrom. This Civil Revision Petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Munsif,
Paramathi Velur,
Namakkal District.

+1cc to Mr.M.Murali, Advocate SR.3783

C.R.P.No.3311 of 2019

MP (CO)
CB(19/02/2020)



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