



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P (MD)No.1011 of 2020

Rajeswari

..Petitioner/Plaintiff

Vs.

1.Subramani

2.Balambal

..Respondents/Defendants

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to issue suitable direction to the District Munsif Court, Devakottai to dispose of the suit in O.S.No.90 of 2018 pending on its file within a time frame fixed by this Court.

For Petitioner : Mr.M.V.Venkataseshan

O R D E R

The plaintiff is the revision petitioner herein. She has laid the suit for declaration of her title and for ancillary reliefs. She seeks a direction from this Court for an expeditious disposal of the suit by the trial Court.

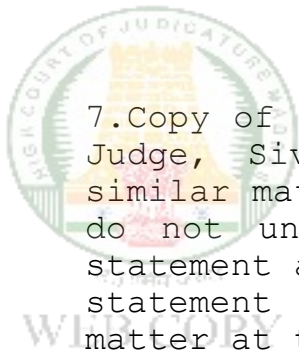
2. The learned counsel for the revision petitioner submitted that the case is pending for filing Commissioner's report for several months but till now, the same has not been filed and further, the written statement too has not been filed. He would further submit that granting time for filing written statement and for filing Commissioner's report indefinitely will be unfair to the plaintiff, since the Commissioner is there to assist the Court, not the defendants.

3. This Court finds merit in this submission.

4. The trial Court is now directed to require the defendants to file a written statement in the suit at the very earliest since the trial court has already granted several months beyond the maximum 90 days stipulated for filing a written statement as stipulated under Order 8 Rule 1 C.P.C.

5. The trial Judge is also reminded that the Commissioner's report is only a piece of evidence, which has to be appreciated with the other facts in the suit and it cannot be appropriate to grant the defendants the advantage of carrying the facts through the Commissioner's report for settling the pleadings.

6. In fine, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.



7. Copy of this order is directed to be communicated to the District Judge, Sivagangai District, who is required to look into such similar matters and to ensure that the Judicial Officers in his unit do not unnecessarily breach time stipulation for filing written statement as provided under Order 8 Rule 11 CPC and once the written statement is filed, the trial Court is required to dispose of the matter at the very earliest.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1. The principal District Judge,
Sivagangai District.

2. The District Munsif Court, Devakotai

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-25202[F] dated
11/12/2020)

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SGS (CO)

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