

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.348 of 2021

K.Amsavalli

...Petitioner/1st Defendant

Vs

1.B.Thamayandhi

2.B.Nagarajan

3.B.Tamilarasan

4.The District Collector,
District Collector Officer,
Ariyalur District.

... Respondents 1 - 3/Plaintiff

5.The Tahsildar
Jayankondam Taluk,
Ariyalur District.

6.The Village Administrative Officer,
Angarayanallur West,
Jayankondam Taluk,
Ariyalur District.

7.The Sub Registrar
Jayankondam Taluk,
Ariyalur District.

...Respondents 4 - 7 /
Defendants 2 - 5

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned Subordinate Court at Jayankondam to dispose the case in O.S.No.172 of 2020 and to complete the proceedings on or before a due date to be stipulated by this Court.

For Petitioner : Mr.S.Jim Raj Milton

O R D E R

The revision petitioner, who is the first defendant in O.S.No.172 of 2020 on the file of the learned Subordinate Judge, Jayankondam, has come forward with this Civil Revision petition seeking for a direction to the trial Court to dispose of the said suit in an expeditious manner.

2. The petitioner's husband Mr.Kaliyaperumal died on 16.03.2020. In these circumstances, the respondents 1 to 3 herein have filed the original suit for declaration before the learned Subordinate Court at Jayankondam in O.S.No.172 of 2020 to declare the suit scheduled property as a joint family

property and to prevent the petitioner from disturbing the enjoyment of respondents 1 to 3 on the suit scheduled property and also seeking further direction to prevent the revenue authority to issue separate patta on behalf of the petitioner. The suit scheduled property situated at Angarayanallur West at Ariyalur District is a household property transferred by the petitioner's father Mr.Natesan and the petitioner is having absolute ownership. Out of love and affection on her husband, the petitioner got patta on her husband's name. Hence, the respondents 1 to 3 are not having any legal right or ownership on the suit scheduled property. The suit was filed by the respondents 1 to 3 only with vindictive motive. It is pertinent to note that even in the plaint, the respondents 1 to 3 submitted that they will be ready to pay the market value for the suit scheduled property in case of any transfer of the sale. The respondents 1 to 3 are legal heirs of the Mr.Boologarajan, who is one of the son of the petitioner and he died on 05.11.2005. The said Boologarajan or his brothers have not raised any claim on the suit scheduled property in their lifetime. It is pertinent to note that after 15 years of demise of the said Boologaraj, suddenly the respondents 1 to 3 filed the original suit, which is nothing but illegal.

3. It is seen from the records that the suit is of the year 2020. There are suits which have been filed much before the filing of the petitioner's suit, pending before the trial Court. The learned judge cannot be directed to give preference to this suit and dispose of the same in an expeditious manner. The petitioner cannot jump the queue and seek preference in disposing of his case. No preference can be given to any litigation unless there is any urgent and sufficient cause shown.

4. This Court does not find any sufficient reason to direct the trial Court to give preference to this case. Therefore, the Civil Revision Petition fails and the same is dismissed. No cost.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

WEB COPY

Sub Assistant Registrar

sbn

To

The Subordinate Judge, Jayankondam.

+1cc to Mr.Jim Raj Milten, Advocate, S.R.No.12587

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