

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 11.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD)No.521 of 2021

Manimegalai

...Petitioner

Vs

- 1.Kapil
- 2.Surya
- 3.Duraisamy
- 4.Vasanthi
- 5.Suganthi
- 6.Uma
- 7.Minor Preetha
- 8.Minor Kappiyan
- 9.Padma
- 10.Chandra
- 11.The President/Secretary,
TPD 402,
Vaguththanur Women Co-operative
Milk Producers Society,

- 12.Chinnasamy
- 13.Samikannu
- 14.Kamsala
- 15.Senthil
- 16.D.Rajamani
- 17.Marimuthu
- 18.Kamalesan
- 19.Jaan Begum
- 20.Dharmalingam
- 21.M.Srinivasan
- 22.Menaka

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23.Baby
24.Raman
25.Narasimhan

...Respondents

(Respondents 7 & 8 represented by the third respondent)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to issue direction for speedy disposal of the suit in O.S.No.10 of 2015 pending on the file of Subordinate Court, Harur, Dharmapuri District, within the stipulated time.

For Petitioner : Mr.C.Prabakaran

ORDER

The limited prayer sought for in the present petition is to direct the Subordinate Court, Harur, Dharmapuri District to dispose of the suit in O.S.No.10 of 2015 within a stipulated time.

2. The learned counsel for the petitioner submitted that the suit has been filed by the plaintiffs without any right or interest over the suit property. The learned counsel further contended that the second round of litigation and the earlier suit has ended in favour of the petitioner and the subsequent purchasers. It is further submitted that at this juncture, instead of getting along with the trial, the plaintiffs have filed I.A.No.218 of

2018 and I.A.No.1 of 2020 seeking to implead more persons as parties to the suit for the reasons best known to them, though they are not necessary parties in the suit, wherein, no proper steps have been taken in an appropriate time and the said application came to be allowed. Now, the number of defendants have been increased to 24 persons. This is the attitude of the plaintiffs in conducting the suit. It is further stated by the learned counsel for the petitioner that the petitioner is aged about 56 years and finds it very difficult to follow the case for the past four years, which is being dragged by one way or the other. The Court below ought to have considered the present impleading petition filed by the plaintiffs and should not have taken the same on the file for the simple reason that there is no relief sought against the proposed respondents in the suit and moreover, they are not necessary parties also. In such view of the matter, filing the impleading petition is nothing but to drag the suit further and to drive the petitioner and other purchasers from pillar to post. Further, it is pertinent to note that already there was a direction from this Court to dispose of the suit within a period of six months by the order dated 22.11.2018 in C.R.P.No.3722 of 2018, despite which, the suit was not completed and still in the stage of evidence. The endorsement of the case

status categorically discloses about the conduct of the plaintiffs who are dragging the suit endlessly. Hence, the learned counsel for the petitioner prays to direct the Court below to dispose of the suit within a time frame.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the suit has been filed for partition by the plaintiffs and the written statement was also filed by the defendant. Further, it is seen that issues have been framed and the suit is posted for evidence on 21.07.2017 and there is no evidence let in by the defendants for more than a year. It is seen that the earlier suit, which was filed, was decreed in favour of the petitioner herein and the subsequent purchaser. The plaintiffs have filed an application in I.A.No.218 of 2017 and I.A.No.1 of 2020 to implead more persons as parties to the suit, though they are not a necessary parties in the suit, wherein, no proper steps have been taken and the same was also allowed by impleading the 24 persons and the petitioner herein is aged about 56 years, who is a bonafide purchaser. The plaintiffs are not

letting in evidence and protracting the proceedings and the petitioner has been dragged to the Court below endlessly. The suit has been filed in the year 2015 and the same has been pending for evidence and for taking steps and for amendment. Further, the I.As., are also kept pending. The Court can decide the issue by directing the plaintiffs to file their proof of affidavit and they can be cross examined by the defendants.

5. In view of the present stage of the suit and also taking into account that the suit was originally initiated in the year 2015, it would be appropriate to direct the Subordinate Court, Harur, Dharmapuri to consider the suit and dispose of the same within a period of eight months from the date of receipt of copy of this order.

6. Accordingly, the Civil Revision Petition stands disposed of. No costs.

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Index: Yes/No

Speaking order/Non Speaking order

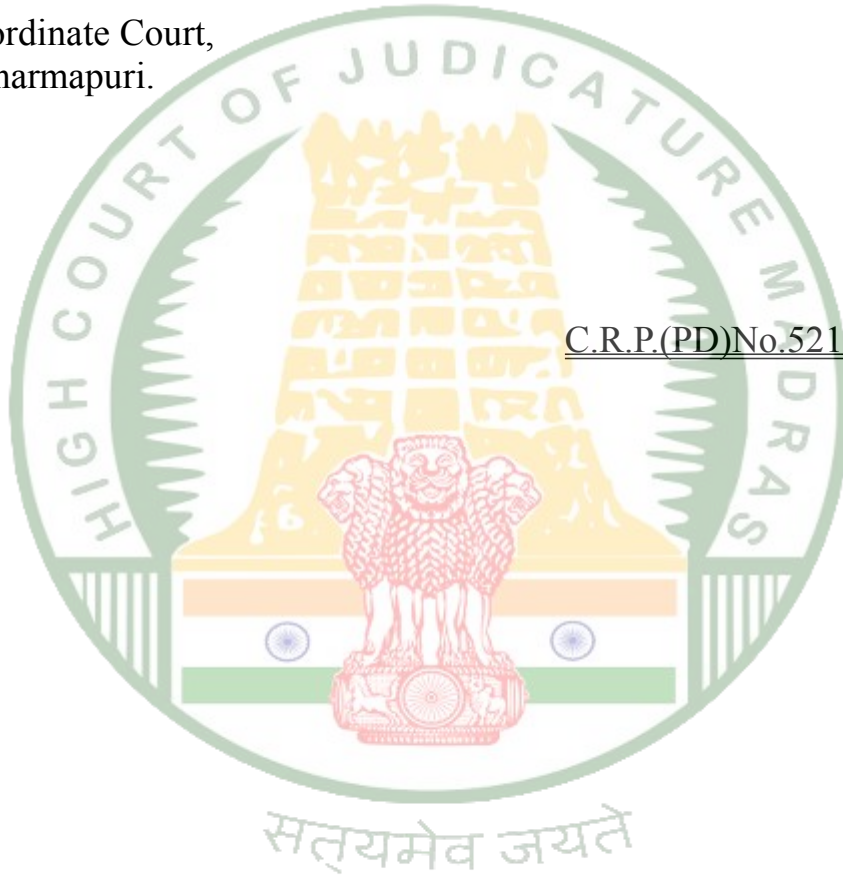
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V.BHAVANI SUBBAROYAN, J.

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To

The Subordinate Court,
Harur, Dharmapuri.



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