

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.01.2021
CORAM:
THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P.No.2326 of 2020

A.Yesuthasan
Co-Trustee,
Ambrose Marianesam Charitable Trust, Chennai
No.13/4, New No.57,
Selva Vinayagar Koil Street,
Sekar Nagar, Saidapet West,
Chennai-600 083. Petitioner/Plaintiff

Vs.

1.Ambrose Marianesam Charitable Trust,
New No.123, Kothavalchavadi Street,
Saidapet,
Chennai-600 015.

2.Mrs.Mary Vijaya

3.DravidanRespondents/ Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to direct the Subordinate Court, Arakkonam, to try and dispose of the suit in O.S.No.37 of 2020 on its file within a time frame.

For Petitioner : Mr.K.Selvaraj

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct the Subordinate Court, Arakkonam to dispose of the suit in O.S.No.37 of 2020 pending on its file within a time frame.

2. The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.37 of 2020, before the Subordinate Court, Arakkonam praying for a declaration and for consequential reliefs. The suit was numbered as O.S.No.37 of 2020 only after one year due to Covid-19 lock down period. The respondents/defendants have been served in the above case and they have also entered appearance. The third respondent/third defendant, who has no manner of right, title or interest, attempted to interfere with the petitioner's peaceful possession and enjoyment of the suit property. The learned counsel further submitted that the petitioner was constrained to file the above suit for declaration and also for consequential injunction. Unless the Trial Court is directed to dispose of the suit within a time frame, the third parties would interfere with the petitioner's

peaceful possession and enjoyment of the suit property and it will lead to multiplicity of proceedings. Hence, he seeks a direction from this Court to direct the Subordinate Court, Arakkonam to dispose of the suit in O.S.No.37 of 2020 within a stipulated time.

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

4. It is seen from the adjudication order in page 14 of the typed set of papers, the suit was filed on 05.07.2019 and it was numbered on 18.10.2019 and the first hearing date was fixed on 31.03.2020. After that, the matter was adjourned on various occasions for issuance of service. Hence, this Court if of the considered view that the petitioner has kept the suit pending without any progress only to drag on the proceedings. Therefore, this Court finds it appropriate to impose cost on the petitioner for his willful action in keeping in the suit pending without much progress and filing this Civil Revision Petition to issue direction to dispose of the suit filed and numbered in 2020 within a fixed time frame without any valid reasons. When there is no justifiable reason find for issuing any direction this Court is not inclined to pass such order and had to rebut the same.

5. Accordingly, this Civil Revision Petition stands disposed off, with cost. The petitioner is directed to pay a sum of Rs.5,000/- to the Tamil Nadu Legal Service Authority.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sbn

To
The Subordinate Judge,
Arakkonam.

2.The Secretary,
Tamil Nadu Legal Service Authority, High Court,Madras

+lcc to Mr.Selvaraj , Advocate SR.No. 959

C.R.P.No.2326 of 2020

A.SK(30.03.2021)