



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2021

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.147 of 2021

BibiYana Elsimony

... Petitioner/ Plaintiff

Vs.

Elsi D.Raju

... Respondent / Defendant

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to pass a direction, directing the learned Sub Court, Padmanabhapuram to expedite and dispose the suit in O.S.No.166 of 2019 within the time frame stipulated by this Court.

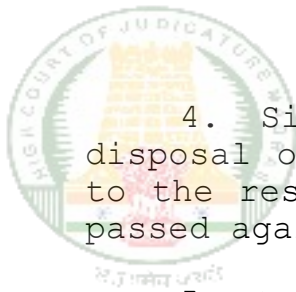
For petitioner : Mr.M.P.Senthil

ORDER

This Civil Revision Petition has been filed by the petitioner seeking a direction to the learned Subordinate Judge, Padmanabhapuram, to expedite and dispose the suit in O.S.No.166 of 2019 within the time frame stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner filed the suit in O.S.No.166 of 2019 before the learned Subordinate Judge, Padmanabhapuram seeking for eviction against the respondent and for recovery of a sum of Rs.2,10,000/- being the arrears of rent. The respondent also filed a vexatious suit in O.S.No.87 of 2019 before the learned Principal District Munsif, Padmanabhapuram seeking for injunction and the said suit was decreed on 16.10.2020. The grievance of the petitioner is that the present suit was filed as early as on 26.08.2019 and though the respondent entered appearance in the month of November 2019 only, in spite of several opportunities, she has not filed her written statement for the past more than seven hearings. Hence, the suit is pending without any progress. The learned counsel for the petitioner further submitted that the petitioner is a senior citizen, aged about 64 years and if further delay is caused in disposing the suit, she will not be in a position to effectively prosecute the suit further. Hence, she filed this revision petition seeking a direction for early disposal of the suit.

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



4. Since this Civil Revision Petition is filed for early disposal of the suit in O.S.No.166 of 2019, no notice is necessary to the respondent herein as there is no adverse orders going to be passed against the respondent.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is a senior citizen aged about 64 years and the suit is of the year 2019, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Subordinate Judge, Padmanabhapuram to dispose the suit in O.S.No.166 of 2019 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. While disposing of the matter, the learned Judge shall take it of the Judgment and Decree passed in O.S.No.87 of 2019.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/
Assistant Registrar(CS-I)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Subordinate Judge
Padmanabhapuram

2.The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

Copy to : The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-3643[F] dated 08/02/2021)

C.R.P (MD) .No.147 of 2021
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PK/27.02.2021 : 2P/6C

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