



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD)No.166 of 2021

WEB COPY

D.Susila

... Petitioner

Vs.

1.M.Balasubramanian
2.Poonkothai
3.Ashok Chinnaraj Kumar
4.Bharathi Meena
5.A.P.Balasubramani
6.S.Elangovan

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal Sub-Court, Dindigul, to dispose of the suit in O.S.No.33 of 2016, within a definite time framed by this Court.

For Petitioner

: Mr.V.George Raja

ORDER

This civil revision petition has been filed to direct the Principal Sub-Court, Dindigul, to dispose of the suit in O.S.No.33 of 2016, within a definite time framed by this Court.

2.The learned counsel for the petitioner submitted that the petitioner is the fifth defendant in a suit in O.S.No.33 of 2016, which is filed by the plaintiff for declaration to declare the Will, dated 28.06.2000 as valid under Constitution of India and to declare executor Will, dated 18.06.2001 as in-valid and to declare the settlement dated 04.12.2002 as null and void and consequential relief of permanent injunction. The said suit was originally filed on 19.01.2005 before the District Munsif Court, Vedachandur and numbered as O.S.No.8 of 2005 and subsequently, the same was transferred to the file of Principal Sub-Court, Dindigul and renumbered as O.S.No.33 of 2016. Thereafter, additional issues were framed on 03.08.2013 and trial was also commenced, however, PW1 filed his chief examination only on 16.03.2016 and subsequently, he sought adjournments for cross examination and also for examining other witnesses also. The suit is originally pending from the year 2005 and pending till date without any progress. Hence, the petitioner has approached this Court by filing this Civil Revision Petition seeking a relief to dispose the suit in O.S.No.33 of 2016 on the file of the Principal Sub-Court, Dindigul within a stipulated time as fixed by this Court.



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.8 of 2005 renumbered as O.S.No.33 of 2016 and since no adverse order is going to be passed, notice to the respondents is not necessary.

5. Considering the facts and circumstances of the case and considering the fact that the suit is of the year 2016, this Court feels that ends of justice would be met by directing the Court below to dispose of the case within a time frame. Without advertent to the merits of the case, a direction is issued to the Principal Sub-Court, Dindigul, to dispose the suit in O.S.No.33 of 2016 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. If the respondents evades notice, the learned Judge shall proceed in the manner known to law.

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

Sd/-

Assistant Registrar (CS-III)

// 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

The Principal Sub-Court, Dindigul.

Copy To:

The Registrar (Judicial),
Madurai Bench Of Madras High court,
Madurai-625 023.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4559[F] dated 11/02/2021)

C.R.P. (MD) No.166 of 2021
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(KUN)

<https://hcservices.courts.gov.in/hcservices/> KV (25.02.2021) 3P 4C