



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM

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

C.R.P. (MD)No.354 of 2021

Sathayee

... Petitioner

Vs.

Arumugam

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif cum Judicial Magistrate Court, Thirumayam to dispose the suit in O.S.No.124 of 2016 within the time frame fixed by this Court.

For Petitioner

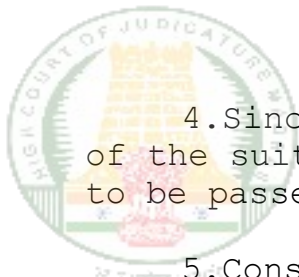
: Mr.G.N.Rahamadullah

ORDER

This civil revision petition has been filed to direct the District Munsif cum Judicial Magistrate Court, Thirumayam to dispose the suit in O.S.No.124 of 2016 within the time frame.

2.The learned counsel for the petitioner submitted that the petitioner herein filed a suit in O.S.No.124 of 2016 for declaration and permanent injunction. After prolonging the suit for nearly three yeas, it was decreed as ex-parte on 10.04.2018. Thereafter, the respondent herein filed a petition to set aside the ex-parte decree and the same was allowed on 03.07.2018 and he filed his written statement on 23.10.2018. Thereafter, the petitioner herein filed two interlocutory applications in I.A.Nos.1 & 2 of 2019 to implead the subsequent purchaser and to amend the plaint and the same were allowed and as of now, no interlocutory application is pending. According to the petitioner, the suit is of the year 2016 and therefore, he has come forward with the present petition to dispose of the suit in O.S.No.124 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Thirumayam, 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.124 of 2016 and since no adverse order is going to be passed, notice to the respondent 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 advertting to the merits of the case, a direction is issued to the District Munsif cum Judicial Magistrate Court, Thirumayam to dispose the suit in O.S.No.124 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. Both the petitioner and the respondent shall co-operate for the early disposal of the above suit.

6.With the above direction, this Civil Revision Petition is allowed. 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

The District Munsif cum Judicial Magistrate Court, Thirumayam.

COPY TO : The Registrar(Judicial),Madurai Bench of Madras High Court, Madurai. (Soft Copy)

+1 CC to M/s.N.RAHAMADULLAH, Advocate (SR-9268[F] dated 05/03/2021)

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