



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.604 of 2021

Kandasamy

....Petitioner/2nd Defendant

-Vs-

1.Periyasamy

...1st Respondent/Plaintiff

2.Junior Engineer

Idayakottai Division

Tamil Nadu Electricity Board

Oddanchathiram

Dindigul District

...2nd Respondent/1st Defendant

3.Palanichamy

4.Selvaraj

...3rd and 4th Respondents
/3rd and 4th defendants

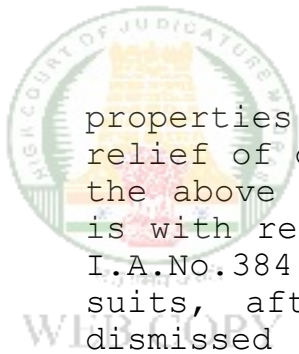
Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Oddanchathiram to dispose O.S.No.179 of 2011 along with O.S.No.21 of 2016 within the time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

O R D E R

This Civil Revision Petition has been filed to dispose of the suit in O.S.No.179 of 2011 along with O.S.No.21 of 2016 on the file of the District Munsif, Oddanchathiram within the time span as fixed by this Court.

2.The learned counsel for the petitioner would submit that the first respondent herein has filed a suit in O.S.No.179 of 2011 on the file of the District Munsif, Oddanchathiram for the relief of declaration and permanent injunction against the revision petitioner herein in respect of the suit schedule properties situated in S.No.341/3 C2 at Javathupatti Village. The learned counsel would further submit that the petitioner has also filed a suit in O.S.No.21 of 2016 before the District Munsif, Oddanchathiram against the respondents herein with respect to the very same suit schedule



properties situated in S.No.341/3C2 at Javathupatti Village for the relief of declaration and permanent injunction. Since the parties in the above said suits are one and the same and dispute amongst them is with respect to the very same property, the petitioner has filed I.A.No.384 of 2018 seeking to conduct joint trial of the above two suits, after hearing the I.A., the learned District Munsif has dismissed the application, against which, the petitioner filed C.R.P.(MD).No.1687 of 2019 and this Court has allowed the revision on 26.11.2020 and joint trial was ordered. The grievance of the petitioner is that he is aged about 63 years and the original suit in O.S.No.179 of 2011 is pending for the last 9 years and this Court has also ordered for joint trial, but till date, there is no progress in the above suits. Hence, the learned counsel would pray for early disposal of the suits within a time frame.

3. Since this Civil Revision Petition is filed for early disposal of the Suit, as no adverse order is going to be passed, notice to the respondents is dispensed with.

4.Considering the facts and circumstances of the case and also considering the fact that the suit is pending before the trial Court for the past 9 years and also considering that the petitioner is a senior citizen aged about 63 years, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit in O.S.No.179 of 2011 along with O.S.No.21 of 2016 within a time frame. Without advertting to the merits of the case, a direction is issued to the learned District Munsif, Oddanchathiram to dispose the suit in O.S.No.179 of 2011 along with O.S.No.21 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.

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

Sd/-

Assistant Registrar (P & A)

// 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
Oddanchathiram

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

+1CC to M/s.T.LAJAPATHI ROY, Advocate(SR-15021[F] dated 01/04/2021)

C.R.P. (MD) No.604 of 2021
31.03.2021

MA (19.05.2021) 3P 4C