



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.616 of 2021

... Petitioner /2nd Plaintiff

C.Ayyammal

-Vs-

...1st Respondent/1st Plaintiff

1.J.Mekala

2.M.Vijayan

3.V.Murugan

4.V.Veera Devan

5.A.Baskaran

6.B.A.Ruby

7.Minor B.A.Kugan

...Respondents 2 to 7 /Defendants 1 to 6

(Minor 7th respondent is represented through his father and natural guardian Mr.Baskaran, 5th respondent herein)

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this civil revision petition and pass suitable direction to the III Additional Sub Court, Madurai for early disposal of O.S.No.1049 of 2013 within the period that may be stipulated by this Court.

For Petitioner : Ms.P.K.M.Andal Padmini
for M/s.M.E.Ilango

O R D E R

This Civil Revision Petition has been filed to dispose of the suit in O.S.No.1049 of 2013 on the file of the III Additional Sub Court, Madurai, within the time span as fixed by this Court.

2.The learned counsel for the revision petitioner would state that the petitioner and the first respondent herein had filed the suit in O.S.No.1049 of 2013 before the III Additional Sub Court, Madurai, seeking to declare 4/5 share in the schedule mentioned property and they are the owners of the 4/5th share of the schedule mentioned property and to declare the sale deed dated 14.02.2008 registered in Doc.No.1615/2008, SRO Joint 4 Madurai as sham, null and void and seeking for a permanent injunction in favour of the petitioner and the first respondent against the other respondents and their men and agents. The learned counsel would further submit that the respondents filed O.S.No.1034 of 2011 seeking for a permanent injunction against the legal heirs of Mrs.Annakutti Ammal except the 6th and 7th respondents herein. At that point of time, the respondents filed Tr.O.P.No.8 of 2018 for joint trial of both suits. After hearing the case, the learned District Judge has



transferred the suit in O.S.No.1034 of 2011 to the file of III Additional Subordinate Court, Madurai by order dated 10.10.2018. The grievance of the petitioner is that though the trial has been commenced in the suit filed by the petitioner, till date, the records in O.S.No.1034 of 2011 has not been sent to the III Additional Sub Court, Madurai. The suit is pending from the year 2013 onwards and there is no progress till date. Hence, the petitioner is before this Court seeking early disposal of the suit in O.S.No.1049 of 2013.

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

5.Perusal of record shows that though the order of joint trial of the suits in O.S.Nos.1034 of 2011 and 1049 of 2013 was passed by the learned Principal District Judge, Madurai in the year 2018, it is not known why the records has not been sent to the III Additional Subordinate Court, Madurai, till date. Since both Courts are in the same premise, the learned III Additional Subordinate Judge, Madurai is directed to send a Special Messenger to bring the records in O.S.No.1034 of 2011 from the Principal District Munsif Court, Madurai forthwith and thereafter, the learned III Additional Subordinate Judge, Madurai shall dispose of the suit in O.S.No.1049 of 2013 along with O.S.No.1034 of 2011 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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 III Additional Subordinate Judge
Madurai

2.The Principal District Munsif,
Madurai

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-14790[F] dated 31/03/2021)

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MA (CO)

KB(10.05.2021) 3P 5C