



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021  
CORAM

**THE HON'BLE MRS.JUSTICE J.NISHA BANU**

**C.R.P. (MD) .No.577 of 2021**

1.S.Thangam  
2.S.Latha  
3.S.Jaya  
4.Raju

... Petitioners/Defendants 4 to 7

-Vs-

Sulojanabai (died)

1.Ramesh

...1<sup>st</sup> Respondent/2<sup>nd</sup> Plaintiff

Jenammal (died)

2.Lilly Thangam

...2<sup>nd</sup> Respondent/2<sup>nd</sup> Defendant

Sivathas (died)

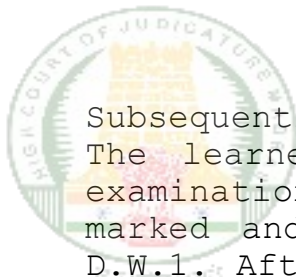
**Prayer:** This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the learned I Additional Sub Court, Nagercoil to expedite and complete the trial in O.S.No.265 of 2010 within the time frame stipulated by this Court.

For Petitioners : Mr.M.P.Senthil

**O R D E R**

This Civil Revision Petition has been filed to issue a direction to dispose of O.S.No.265 of 2010 pending on the file of I Additional Sub Court, Nagercoil within the time as stipulated by this Court.

2.The learned counsel for the petitioners would submit that the first respondent herein as plaintiff filed the suit in O.S.No.199 of 1998. Subsequently, the said suit was transferred and renumbered as O.S.No.119 of 2004 and once again, it was transferred and renumbered as O.S.No.265 of 2010 on the file of the I Additional Subordinate Judge, Nagercoil seeking for the relief of partition. In view of the stay granted by this Court in C.R.P.(MD).No.824 of 2006, the suit has not been proceeded further till 02.02.2006 and thereafter, on 30.03.2006, the above revision was dismissed. Pursuant to the said dismissal of the above revision, the suit was posted for trial on 31.03.2006 and it was adjourned for defendants' side evidence on 19.04.2006. In the meanwhile, the first petitioner's husband died and his legal heirs were impleaded as defendants 4 to 7 in the above suit as per order passed in I.A.No.419 of 2004, dated 12.04.2007.



Subsequently, the suit was posted for filing of written statement. The learned counsel further submitted that on 06.12.2010, chief examination of D.W.1 was recorded and Ex.B1 to B45 documents were marked and it was posted on 10.01.2011 for cross examination of D.W.1. After completion of defendants' side evidence, the suit was posted for arguments as early as on 25.03.2013. In this circumstance, the 4<sup>th</sup> petitioner herein filed three applications in I.A.No.235 of 2013 for reopening the case for further evidence, I.A.No.236 of 2013 for recalling P.W.2 for cross examination and then I.A.No.237 of 2013 seeking to direct the 1<sup>st</sup> respondent herein to produce the original settlement deed dated 16.07.1962, after hearing the above I.As, the trial Court had dismissed the applications, against which, C.R.P(MD).Nos. 1805 to 1807 of 2013 have been filed and the same were allowed. Accordingly, the trial Court has restored the application in I.A.No.237 of 2013 and the matter was called on 20.08.2018. The grievance of the petitioners is that the above application has been periodically adjourned from 27.08.2018 17.02.2021 and almost 23 years have been lapsed. Besides, due to the prolonged disposal of the suit, some of the parties in the suit had passed away and their legal heirs have also been impleaded and the first petitioner is aged about 76 years. Hence, the petitioners have come forward with this Civil Revision Petition seeking early disposal of the suit in O.S.No.265 of 2010.

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 considering the fact that the suit was filed in the year 1998 and it was transferred and renumbered as O.S.No.265 of 2010 and also considering that the first petitioner is aged about 76 years, this Court feels that ends of justice would be met by directing the Court below to dispose the case within a time frame. Without adverting to the merits of the case, a direction is issued to the learned I Additional Subordinate Judge, Nagercoil to dispose I.A.No.237 of 2013 within a period of two months from the date of receipt of a copy of this order. Thereafter, the learned Judge shall dispose the suit in O.S.No.265 of 2010 on merits and in accordance with law, within a period of four months from the date of disposal of the I.A.No.237 of 2013.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS )



To,

The I Additional Subordinate Judge,  
Nagercoil.

Copy to

1.The Principal District Judge,  
Kanniyakumari District at Nagercoil.

2.The Principal Sub Court,  
Nagercoil.

3. The Registrar (Judicial),  
Madurai Bench of Madras High Couert, Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate ( SR-14280[F] dated 30/03/2021 )

**C.R.P. (MD) .No.577 of 2021**

29.03.2021

SDS (24.04.2021) 3P 6C