



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P (MD) .No.1142 of 2021

Balasubramanian : Petitioner / Respondent

Vs.

1.Mariyammal
2.Murugesan
3.Nagamani

: Respondents / Appellants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Thoothukudi, to dispose the above A.S.No.40 of 2018 as expeditiously as possible and within the time to be fixed by this Court.

For petitioner : Mr. C. Gangai Amaran

ORDER

This revision has been filed seeking a direction to dispose of the appeal suit in A.S.No.40 of 2018 on the file of the Subordinate Court, Thoothukudi, within a specified time fixed by this Court.

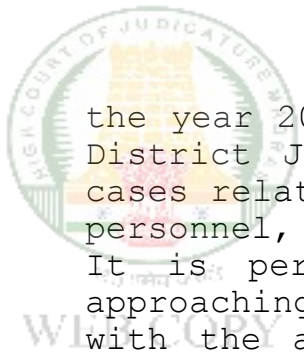
2. Since the revision petition is filed for early disposal of the case, issuance of notice to the respondents is not necessary.

3. It is evident from the records that the revision petitioner, who is the plaintiff, has filed a suit in O.S.No.423 of 2013 on the file of the Additional District Munsif Court, Tuticorin, seeking for a relief of permanent injunction and the same was decreed on 15.03.2017 and that the respondents / defendants have filed the appeal in A.S.No.40 of 2018 on the file of the Subordinate Court, Thoothukudi and the same is pending.

4. The main contention of the revision petitioner is that the Appeal Suit has been filed in the year 2018, that the appeal suit is pending for the past 2 years without any progress, that the appeal has been adjourned time and again at the instance of the respondents / defendants and that therefore, the hearing of the appeal has to be expedited.

5. The fact remains that the Appeal Suit has been filed in

<https://hcservices.ecourts.gov.in/hcservices/>



the year 2018. The High Court has already issued Circulars to the District Judiciary directing the Courts to give priority for the cases relating to the Senior Citizens, HIV affected persons, Defence personnel, Women and Children, more than five year old cases etc., It is pertinent to note that the revision petitioner without approaching the Appellate Court has directly approached this Court with the above petition for speedy disposal. In the absence of total pendency particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the appeal within the specified period of time.

6. However, the Appellate Court is required to give priority to the cases, as per the Circulars of the High Court. The revision petitioner is at liberty to approach the Appellate Court and if such requisition for early disposal of the case is made, the learned Appellate Judge is directed to consider the same, in the light of the circulars issued by this Court.

7. With the above observation and direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Subordinate Judge, Thoothukudi.

C.R.P (MD) .No.1142 of 2021

23.08.2021

MGJ(02.09.2021) 2P 2C