



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(PD) (MD) .No.744 of 2021

Pandiammal :Petitioner/Respondent/1stRespondent

Vs

1. Vijaya :1stRespondent/ Petitioner/Appellant

2. Vellachamay :2ndRespondent/2ndRespondent/2nd Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to dispose of I.A.No.14 of 2020 in A.S.No. 24 of 2017 on the file of the Subordinate Court, Uthamapalayam.

For petitioner : Mr. S. Vellaichamy

ORDER

This revision has been filed seeking a direction to dispose of the application in I.A.No.14 of 2020 in A.S.No. 24 of 2017 on the file of the Subordinate Court, Uthamapalayam within a time fixed by this Court.

2. It is evident from the records that the 1st respondent / plaintiff has filed a suit in O.S.No. 45 of 2013 claiming the reliefs of declaration, mandatory injunction and permanent injunction and after trial, the suit was dismissed by the learned District Munsif - cum - Judicial Magistrate, Bodinayakkanur, vide Judgment dated 24.02.2017. Aggrieved by the dismissal of the suit, she has preferred an appeal in A.S.No. 24 of 2017 on the file of the Sub Court, Uthamapalayam and that the appeal was dismissed for default vide order, dated 06.11.2019. It is further evident that the first respondent has filed an application in I.A.No. 14 of 2020 to condone the delay of 60 days in filing an Application under Order 41 Rule 19 CPC for restoration of the appeal and the same is pending before the Subordinate Court.

3. The main contention of the revision petitioner is that meanwhile the appellant / first respondent was reported dead, that the matter is being adjourned without taking steps for the deceased

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without any progress and that therefore, the enquiry in the application has to be expedited.

4. The fact remains that the Appeal Suit filed in the year 2017 was ordered to be dismissed for default on 06.11.2019 and the application to restore the appeal along with an application to the condone the delay in filing the restoration petition were filed in the month of February 2020 and that the petition to condone the delay in I.A.No. 14 of 2020 is pending for enquiry. Since the revision petitioner himself has admitted that the first respondent / appellant was reported dead, the legal representatives of the deceased appellant have to take steps.

5. 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 etc., It is pertinent to note that the revision petitioner without approaching the trial 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 case within the specified period of time.

6. However, the 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 (W)

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/ /2021

Sub Assistant Registrar(CS)

trp

To

The Subordinate Judge, Uthamapalayam.

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