



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P (MD) .No.933 of 2021

Dr. R. Palaniappan : Petitioner / Claim petitioner
rep. by his power agent
Mrs. Usha Chokkalingam

Vs.

1. S. Pandi ... 1st Respondent/Petitioner/Plaintiff
(R. Ramanathan died) ... Nil/Respondent/Defendant
2.Valliammai
3.R.Ramesh
4.R. Lakshmanan
5.R.Rammohan ... Respondents 2 -5 / Legal Heirs of Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District and Sessions Court, Sivagangai to dispose of E.A.No. 1 of 2019 in E.P.No.66 of 2015 pending on the file of Principal District and Sessions Court, Sivagangai within the time as fixed by this Court.

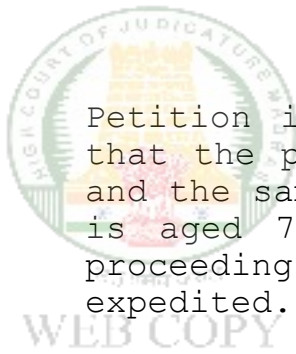
For petitioner : Mr. N. Tamil Mani

ORDER

This revision has been filed seeking orders directing the Principal District and Sessions Court, Sivagangai to dispose of the petition in E.A.No. 1 of 2019 in E.P.No.66 of 2015, within a time fixed by this Court.

2. The revision petitioner is the claim petitioner in E.A.No.1 of 2019 and he filed a petition under Order 21 Rule 58 CPC to dismiss the E.P.No. 66 of 2015 pending on the file of Principal District and Sessions Court, Sivagangai .

3. The learned counsel appearing for the revision petitioner would submit that the first respondent has filed the suit in O.S.No. 72 of 2014 on the file of the IV Additional District Court, Madurai, that the deceased respondent / defendant appeared and reported no objection and as a result of which, collusive decree has been obtained, that the first respondent has laid the Execution



Petition in E.P.No.66 of 2015 for executing the collusive decree, that the petitioner has filed a claim petition in E.A.No.1 of 2019 and the same is pending for more than two years, that the petitioner is aged 73 years, that the respondent has been dragging on the proceedings purposely and that therefore, enquiry has to be expedited.

4. 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., The revision petitioner without approaching the trial Court has directly approached this Court. In the absence of total pending 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.

5. However, the trial 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 executing Court for early disposal and if such a requisition is made, the learned Judge is directed to consider the same on the ground of Senior Citizenship, for early enquiry.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Principal District and Sessions Judge, Sivagangai.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-21322[F] dated 06/07/2021)

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02.07.2021

DKS (CO)

TR(13.07.2021) 2P 3C