

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.08.2021

CORAM

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA****C.R.P(MD)No.1133 of 2021**

WEB COPY

R.Vijaya

... Petitioner/Respondent

-vs-

A.Rajan

... Respondents/Appellant

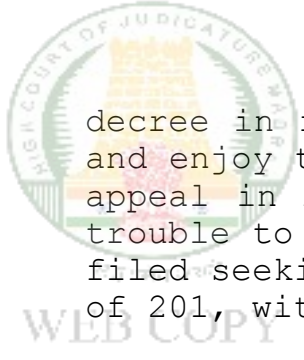
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Theni, to dispose the A.S.No.6 of 2021 within the time frame fixed by this Court.

For Petitioner : Mrs.Deepa Baskaran
for Mr.M.Karunanithi

O R D E R

The Civil Revision Petition has been filed seeking for a direction to Subordinate Court, Theni, for speedy disposal of A.S. No.6 of 2021, on its file within the time frame fixed by this Court.

2.The learned counsel for the Petitioner would submit that the Petitioner is a senior citizen and Medical Doctor, by profession. The petitioner is legal owner of the property which is situated at Door No.22, Subramaniaswamy Kovil Street, Bodinayakanur, Theni District. She inherited the property through the Will and one portion of her property was illegally occupied by her brother. He would further submit that she has filed a suit and the same was decreed in favour of her on 03.12.1997. Against the said Judgment and Decree, her brother had filed an appeal the same was also dismissed. After the 25years of her struggle, the petitioner has filed a Execution Petition to take possession of her property. In the meantime, at the instigation of her brother, one Rajan who is trespasser in her property has filed a suit for bare injunction, against the petitioner before the learned District Munsif, Bodinayakanur in O.S.No.200 of 2012 and the learned Munsif pleased to dismiss the same against which the respondent has filed an appeal in A.S.No.6 of 2021 before the Subordinate Court, Theni. The petitioner who is a senior citizen was also assaulted by the respondent in respect of which a criminal complaint was preferred against him and a case in Crime No.153 of 2021 was registered by the Bodinayakanur Police Station. The respondent has approached this Court by way of filing an anticipatory bail petition in CrI.O.P.(MD) No.4441 of 2021 and this Court has also found that the respondent is a rank trespasser into the property and had dismissed the Anticipatory bail petition. Even after the Courts below rendered a



decree in favour of the petitioner she is unable to take possession and enjoy the property. Now, taking advantage of the pendency of the appeal in A.S.No.6 of 2021 the respondent is continuously creating trouble to the petitioner and thereby, the present petition has been filed seeking for a direction for disposal of the appeal in A.S.No.6 of 201, within a time frame that may be fixed by this Court.

3.Taken into consideration the above facts and circumstances, this Court directs the Subordinate Court, Theni to dispose of A.S.No.6 of 2021 on its file, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order.

4.With the above direction, the Civil Revision Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

GSA

To

1. The Subordinate Court, Theni.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-27356[F] dated 26/08/2021)

C.R.P(MD)No.1133 of 2021

25.08.2021

RD(24.09.2021) 2P 5C