

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.08.2021****CORAM****THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA****C.R.P (MD) No.1172 of 2021****WEB COPY**

1. Johnson alias Malayandi
2. Janet

... Petitioners/Defendant Nos.1 &3

-vs-

1. Mariamma
2. Salomi
3. Jujin Francis
4. Mary Prasophi
5. Sebastin
6. Sibi
7. Mary Stella
8. Soosai Friably
9. Ariba Beevi

... Respondents-1 to 8/Plaintiffs
... 9th Respondent/2nd defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned First Additional Munsif Court, Kuzhithurai, to dispose the suit in O.S. No.500 of 2008 on the file of the I Additional Munsif Court, Kuzhithurai in a time bound manner as fixed by this Court and allow the same.

For Petitioners : Mr.V.M.Balamohan Thambi

O R D E R

The Civil Revision Petition has been filed seeking for a direction to I Additional Munsif Court, Kuzhithurai for speedy disposal of O.S. No.500 of 2008, on its file within the time frame fixed by this Court.

2.The learned counsel for the Petitioners would submit that the Petitioners herein are the defendants 1 & 3 and the respondents 1 to 8 herein are the plaintiffs in the suit in O.S.No.500 of 2008. He would further submit that the suit is of the year 2008 and this Court in earlier round of litigation in C.R.P. (MD) Nos.1313, 1314 & 13154 of 2016 finding that the suit is of the year 2008 had directed the trial Court to dispose of the suit on merits within a period of three months after obtaining Advocate Commissioner's report. He would further submit that the Advocate commissioner has also filed his report. Presently, one interlocutory application has been filed for receiving additional documents and the same is pending. He would further submit that the petitioners herein have also no objection in allowing the said interlocutory application and they are ready to get along with the



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case. The petitioners are aged and the suit is pending from the year 2008 and it is causing mental agony to them and would pray that a direction may be issued to the trial Court to dispose of the suit, as expeditiously as possible. Hence, the Petitioner has filed the above Civil Revision Petition for the relief stated supra.

3. It is seen from the records that by order, dated 04.09.2018 in C.R.P.(MD) Nos.13132, 1314 & 1315 of 2016, this Court already issued direction to the trial Court to dispose of the suit in O.S. No.500 of 2008 within a period of three months.

4. However, taking into consideration of the submission of the learned counsel for the Petitioners that the suit is of the year 2008 which is pending for the last thirteen years, this Court directs the I Additional Munsif Court, Kuzhithurai to dispose of O.S. No. 500 of 2008 on its file on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months, from the date of receipt of the copy of the order.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ksa

To

1. The I Additional Munsif Court,
Kuzhithurai.

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

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate (SR-27506[F] dated 27/08/2021)

**ORDER MADE IN
C.R.P (MD) No.1172 of 2021
26.08.2021**