

**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.1167 of 2021**

WEB COPY

John Chiristober

... Petitioner/2nd Defendant

-vs-

1. M.Nirmala Nesakumari
2. M.Dhanasekar
3. M.Chandrasekar
4. M.Gunasekar
5. M.Amala Gunaseeli
6. Mathuram

... Respondents 1 to 5/Plaintiffs

... 6th Respondent/1st defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue direction to dispose the original suit in O.S.No.173 of 2012 on the file of Principal Sub Court, Palani, expedite within stipulated period.

For Petitioner : Mr.J.Gunaseelan Muthiah

O R D E R

The Civil Revision Petition has been filed seeking for a direction to Principal Sub Court, Palani, for speedy disposal of O.S. No.173 of 2012, on its file within the time frame fixed by this Court.

2.The learned counsel for the Petitioner would submit that the Petitioner and the sixth respondent herein are defendants 1 & 2 and the respondents 1 to 5 are plaintiffs in the suit in O.S.No.173 of 2012 on the file of the Principal Sub Court, Palani.

3. He would further submit that the suit was filed for the relief, (i) to pass a preliminary decree and Judgment in favour of the plaintiffs by passing preliminary decree by dividing the suit schedule properties by *metes and bounds* into 5/6th share to the plaintiffs and to provide separate possession thereof; (ii).if the defendants failed to do so, appoint a Advocate Commissioner to divide 5/6th share as per preliminary decree; and (iii).to declare the impugned sale deed executed by the first defendant in favour of the second defendant, dated 10.08.2007 as *Null and void*. He would further submit that the respondents 1 & 6 herein are senior citizens and for the past nine years there is no progress in the suit. Hence the Petitioner has filed the above Civil Revision Petition for the relief stated supra.

4. Considering the facts and circumstances of the case and the submission of the learned counsel for the Petitioners that the suit is of the year 2012 which is pending for the last nine years, this



Court directs the Principal Sub Court, Palani, to dispose of the suit in O.S. No. 173 of 2012 on its file on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months, from the date of receipt of copy of the order.

5. 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)

ksa

To

1. The Principal Sub Judge, Palani.

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-27406[F] dated 26/08/2021)

C.R.P(MD)No.1167 of 2021

26.08.2021

RD(16.09.2021) 2P 3C