



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM

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THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.1114 of 2019

S.Seenivasan (Poosari)

... Died/Plaintiff No.1

1.Villi Alwar

2.S.Gopal

...Petitioners/Plaintiffs 2 & 3

-Vs-

1.Radha

2.Vijayakumar

3.Vijaya

4.Ramu Ammal

5.Vimala

6.Lakshmi

7.Muthulakshmi

8.Tamilselvi

9.K.Gokul

...Respondents/ Defendants

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition by directing the learned District Munsif Court, Rajapalayam to expedite the trial and dispose of O.S.No.158 of 2019 which transferred from Principal District Munsif Court, Srivilliputhur in O.S.No.17 of 2015.

For Petitioners : Mr.S.Balamurugan

For R4 & R6 : Mr.M.Ashok Kumar

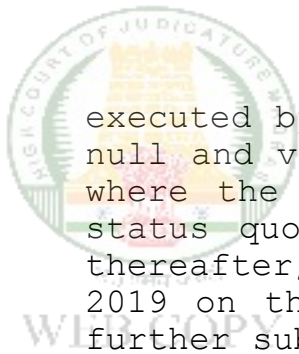
For R3, R5, R7, R8 and R9 : No appearance

R1 & R2 : Died

O R D E R

This Civil Revision Petition has been filed to direct the learned District Munsif Court, Rajapalayam to expedite the trial and dispose of O.S.No.158 of 2019 which was transferred from Principal District Munsif Court, Srivilliputhur in O.S.No.17 of 2015.

2.The learned counsel for the petitioners would submit that the petitioners filed the suit in O.S.No.17 of 2015 before the Principal District Munsif, Srivilliputhur for declaration of sale deed



executed by the defendants 1 to 8 in favour of the 9th defendant as null and void and for permanent injunction against the 9th defendant where the learned District Munsif has granted an interim order of status quo on 27.07.2017 and the same has been made absolute and thereafter, it has been transferred and renumbered as O.S.No.158 of 2019 on the file of District Munsif Court, Rajapalayam. He would further submit that no 'B' diary is available in the District Munsif Court, Rajapalayam after transferring of the said suit. The grievance of the petitioners is that unless the suit in O.S.No.158 of 2019 on the file of the District Munsif Court, Rajapalayam which transferred from Principal District Court, Srivilliputhur in O.S.No.17 of 2015 is adjudicated at the earliest, the respondents will completely alter and change the entire physical features of the suit property. Hence, the petitioners have come forward with this Civil Revision Petition seeking early disposal of the suit in O.S.No.158 of 2019.

3. At this juncture, the learned counsel for the respondents 4 and 6 brought to the notice of this Court that respondents 1 and 2 died.

4. Though name of the respondents 3, 5, 7, 8 and 9 are printed in the cause list, none appeared on behalf of the respondents either in person or through their counsel.

5. Heard the learned counsel for the petitioners as well as the respondents 4 and 6.

6. Considering the facts and circumstances of the case and also considering the fact that the suit is of the year 2015 which has been renumbered as O.S.No.158 of 2019 pending on the file of the District Munsif Court, Rajapalayam, without adverting to the merits of the case, this Court feels that ends of justice would be met, if a direction is given to the petitioner to take appropriate steps to bring on record the legal representatives of the respondents 1 and 2 and thereafter, the learned Judge shall dispose of the above suit in O.S.No.158 of 2019 on its own merits as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To,

1.The Principal District Munsif
Srivilliputhur

2.The District Munsif
Rajapalayam

Copy to
The Registrar Judicial
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-11855[F] dated 17/03/2021)

C.R.P. (MD) No.1114 of 2019

17.03.2021

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CN(06.05.2021) 3P 5C