



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM

THE HON'BLE **MRS.JUSTICE J.NISHA BANU**

C.R.P(MD)Nos.850 & 1053 of 2020

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CRP.(MD)No.850 of 2020

M.Muthukaruppan

... Petitioner /
3rd Respondent/3rd Defendant

Vs.

1. Muthulakshmi

2. S.Maickam

.... Respondents 1 & 2/Petitioners/
Plaintiffs

3. AL.Ramu @ Raman

4. A.Muthu

5. V.Krishnan

....Respondents 3 to 5/
Respondents 1,2&4/ Defendants 1,2 & 4

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, pleased to allow this Civil Revision Petition and setting aside the fair order and decretal order in I.A.No.2 of 2020 in O.S.No.109 of 2018 dated 18.06.2020 on the file of the District Munsif Court cum Judicial Magistrate, Thirumayam.

For Petitioner
For R1 & R2

: Mr.N.Balakrishnan
: Mr. K.Balasundharam

CRP(MD)No.1053 of 2020

1.M.Muthulakshmi

2. S.Manickam

... Petitioners /
Revision Petitioners

Vs.

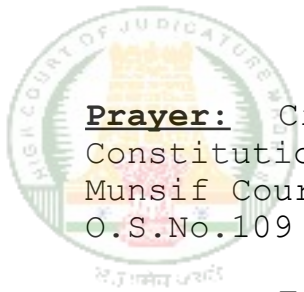
1. AL.Ramu @ Raman

2. Muthu

3. Muthukaruppan

4. V.Krishnan

....Respondents/
Respondents



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to pass order to Hon'ble Principal District Munsif Court, Thirumayam, Pudukottai District to dispose the suit in O.S.No.109 of 2018 as expeditiously as possible.

For Petitioners : Mr. K.Balasundharam
For Respondents : Mr. N.Balakrishnan

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COMMON ORDER

Civil Revision Petition in CRP(MD)No.850 of 2020 is filed to set aside the fair and decreetal order dated 18.06.2020, passed in I.A.No.2 of 2020 in O.S.No.109 of 2018, on the file of the learned District Munsif Court cum Judicial Magistrate, Thirumayam.

2. Another Civil Revision Petition in CRP(MD)No.1053 of 2020 is filed to direct the learned Judge, Principal District Munsif Court, Thirumayam, Pudukottai District, to dispose of the suit in O.S.No.109 of 2018 as expeditiously as possible.

3. By consent of both the petitioners as well as the respondents, these two revision petitions are taken up together and disposed of by this common order.

4. In respect of CRP(MD)No.850 of 2020, the facts of the case are shortly as follows:-

The respondents 1 and 2 herein had filed a suit in O.S.No.109 of 2018 for the relief of declaration of title to the suit property and for permanent injunction. The petitioner as well as the respondents 3,4 and 5 are defendants in the suit. Whilst this suit is pending, the respondents 1 and 2 had filed I.A.No.2 of 2020 for appointment of an advocate commissioner to inspect the suit properties and to note down the physical features and measure the suit properties comparing the sale agreement deed dated 27.06.2005 and sale deed dated 19.09.2018 with the help of Surveyor and Village Administrative Officer and to note down encroachment made by the defendants in the suit properties and to demarcate the suit properties. The said application was allowed. Aggrieved over the same, the present Civil Revision Petition has been filed.

5. The respondents 1 and 2 in the above revision petition has filed another civil revision petition in CRP(MD).No.1053 of 2020 for early disposal. Today, when the matter is taken up for hearing, the learned counsel for the petitioner in CRP(MD).No.850 of 2020 would state that he is not pressing the civil revision petition against the appointment of Advocate Commissioner, but would pray for early disposal, for which, both the counsel are agreed and therefore, CRP (MD).No.850 of 2020 is dismissed as not pressed and the CRP(MD). No.1053 of 2020 is disposed of with a direction to the learned Judge to dispose of the suit in O.S.No.109 of 2018 on merits and in



accordance with law as early as possible, preferably within a period of six months from the date of receipt of a copy of this order. Both the parties are directed to co-operate with the Court below for early disposal of the suit. No costs.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns/pkn

To

1.The District Munsif cum Judicial Magistrate,
Thirumayam.

2.The Principal District Munsif,
Thirumayam, Pudukottai District.

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

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-6328[F] dated
19/02/2021)

C.R.P (MD) No.850 &
1053 of 2020
02.03.2021

sj (CO)

KK(08.04.2021) 3P 6C