



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) (PD) No.1405 of 2021

1.Mr.S.Mahesh
2.Mr.Murugaperumal
3.Mrs.Subbulakshmi .. Petitioners/Petitioners/
Respondents/Defendants

-vs-

Mrs.Murugarathinam Ammal .. Respondent/REspondent
/Petitioner/Plaintiff

Prayer :- Petition filed under Article 227 of the Constitution of India praying to direct the lower court to dispose of I.A.No.6 of 2019 in I.A.No.860 of 2018 in O.S.No.245 of 2018 on the file of the Principal District Munsif Court, Thoothukudi, within a time frame fixed by this Court.

For Petitioners : Mr.R.J.Karthick
For Respondent : Mr.Vinoth Sathya Lazer

ORDER

This Civil Revision Petition, by the petitioners, is filed invoking the superintending jurisdiction of this Court under Article 227 of the Constitution of India, seeking an early disposal of I.A.No.6 of 2019 in I.A.No.860 of 2018 in O.S.No.245 of 2018 pending on the file of the Principal District Munsif Court, Thoothukudi.

2.For the sake of convenience, the parties are referred to as per their rank in the suit in O.S.No.245 of 2018.

3.The respondent/plaintiff has filed the suit in question for a declaration that the third item of the property belongs to her, for a consequential injunction restraining the defendants, their men and agents from interfering with her possession and enjoyment of the third item of the suit property and for a mandatory injunction seeking the removal of the iron and granite fencing put up in the third item of the suit property. Along with the said suit, the plaintiff had also filed I.A.No.860 of 2018 seeking an ad-interim injunction in respect of the third item of the suit property. An



ad-interim mandatory injunction was also prayed for in I.A.No.858 of 2018. The learned Principal District Munsif, Thoothukudi has passed an order of *status quo* only in I.A.No.860 of 2018.

4.The defendants had come forward with an application in I.A.No.6 of 2019 to condone the delay of 332 days in filing the petition to review the order passed in I.A.No.860 of 2018. The defendants, who are the petitioners herein, would submit that both sides have completed their arguments in the application in I.A.No.6 of 2019 on 01.03.2021 and to date, no orders have been passed in the said application.

5.Heard the learned counsel appearing for the parties and perused the B-diary extracts.

6.As contended by the petitioners/defendants, the B-diary entry on 01.03.2021 would show that the plaintiff's side arguments had been heard and the reply of the defendants was also heard. Thereafter, the matter was posted for orders on 08.03.2021. From 08.03.2021, the matter is being continuously adjourned. On three occasions, the matter was adjourned stating that the Judicial Officer was unable to pronounce the judgment on account of paucity of time. Thereafter, from 08.04.2021 onwards, the matter has been posted under the head 'for clarifications'. In fact, the matter has been adjourned under the same head on six occasions.

7.This Court is of the opinion that the application itself, which is under consideration of the Judicial Officer, is one for condoning the delay in filing the review application. Frequent adjournment of the case, especially when arguments have been concluded and the matter is posted for orders, is unfortunate. Therefore, the learned Principal District Munsif, Thoothukudi is directed to pass orders in the application in I.A.No.6 of 2019 in I.A.No.860 of 2018 in O.S.No.245 of 2018 within a period of one month from the date of receipt of a copy of this order.

8.With the above observation and direction, this Civil Revision Petition stands ordered. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

abr



To

The Principal District Munsif Court, Thoothukudi.

Note:-

WEB COPY

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

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SS (CO)

KB(30.11.2021) 3P 2C