



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.1146 of 2020

WEB COPY

Arumugam

... Petitioner/Petitioner/Plaintiff

-Vs-

1. Dr.Kumarasamy Pillai
2. Dr.Ramasamy Pillai
3. Iyyappan
4. Saratha
5. Mr.Chokkalingam
Tahsildar, Thovalai Taluk,
Boothapandi, Kanyakumari District.

6. The District Collector,
Kanyakumari District,
Nagercoil.

...Respondents/Respondents/Defendants

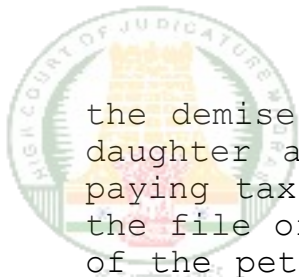
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif cum Judicial Magistrate, Boothapandy, to dispose of the petition in I.A.No.2 of 2019 in O.S.No.26 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Boothapandy, on merits within a stipulated time.

For Petitioner : M/s.B.Tamil Nidhi
For Respondents : No appearance for R1, R3, R4 & R6
R5 - Retired
R2-Unserved

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned District Munsif cum Judicial Magistrate, Boothapandy, to dispose the case in I.A.No.2 of 2019 in O.S.No.26 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Boothapandy, within the time stipulated by this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner has filed a suit in O.S.No.26 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandy, for the relief of permanent injunction against the defendants in respect of suit schedule property. The suit schedule property belongs to the petitioner's mother-in-law namely Sivagami Ammal @ Sivagami Pillai and the said property was given to the petitioner's husband through a WILL document No.61 of 1995. After



the demise of the petitioner's husband, the petitioner, her son and daughter are enjoying the property by transferring the patta and paying tax. Meanwhile, the 5th defendant filed O.S.No.43 of 1998 on the file of the Subordinate Court, Nagercoil and cancelled the names of the petitioner and her children from the patta. The grievance of the petitioner is that, based on the WILL executed by the petitioner's mother-in-law, the revision petitioner have every right over the property and to do repair works in the said property. Therefore, the petitioner filed O.S.No.26 of 2019, on the file of the District Munsif Cum Judicial Magistrate, Boothapandi along with I.A.No.2 of 2019, seeking for an interim injunction restraining the defendants 1 to 4 from interfering with enjoyment of the suit property. Hence, the petitioner is constrained to move the present revision petition before this Court for getting speedy disposal of the interim injunction Application in I.A.No.2 of 2019 of O.S.No.26 of 2019.

3. Though the notice sent to the second respondent has been referred as 'insufficient address', no prejudice will be caused as no adverse order is going to be passed against the second respondent. Though the other respondents were served with notice, they have not appeared either personally or through counsel.

4. Considering the facts and circumstances of the case, this Court feels that ends of justice would be met by directing the Court below to dispose the interlocutory application within a time frame. Without advertting to the merits of the case, a direction is issued to the learned District Munsif cum Judicial Magistrate, Boothapandy, to dispose the application in I.A.No.2 of 2019 of O.S.No.26 of 2019, on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

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/ /2021

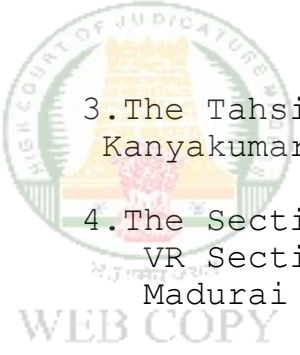
Sub Assistant Registrar(CS)

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To

1. The District Munsif cum Judicial Magistrate Court,
Boothapandy.

2.The District Collector,Kanyakumari District at Nagercoil.



3.The Tahsildar, Thoivalai Taluk at Boothapandi,
Kanyakumari District.

4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.(2C)

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

+1 CC to M/s.B.TAMIL NIDHI, Advocate (SR-2665[F] dated 01/02/2021)

+1 CC to M/s.GP (SR-2787[F] dated 02/02/2021)

C.R.P. (MD) No.1146 of 2020
29.01.2021

(NA) CO

AP(10/02/2021) 3P 9C