



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2021

CORAM

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P (MD) No. 1599 of 2021

S.Sundararajan

... Petitioner/Plaintiff

Vs.

1.Raju (died)
2.R.Singaram (died)
3.R.Murali
4.Shanthi
5.Sathish
6.Rajesh
7.Vigneswaran

... Respondents/Defendants

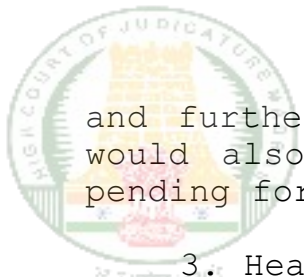
PRAYER :Civil Revision Petition filed under Article 227 of Constitution of India, to issue a direction to the District Munsif cum Judicial Magistrate, Srirangam to dispose of O.S.No.930 of 2019 as expeditiously as possible within a period of six months.

For Petitioner : Mr.Raguvaran Gopalan

O R D E R

The civil Revision petition has been filed to direct the District Munsif cum Judicial Magistrate, Srirangam to dispose of O.S.No.930 of 2019 as expeditiously as possible within a period of six months.

2.The learned counsel for the petitioner would submit that the present suit in O.S .No. 930 of 2019 on the file of the District Munsif cum Judicial Magistrate, Srirangam was originally filed in O.S. No.2766 of 1989 on the file of the III Additional District Munsif Court, Trichy and it is pending for the past 31 years. He would further submit that the Trial Court had completed trial and evidence is recorded as early as on 2016. Thereafter D2 was examined as DW 1 passed away and steps have been taken to implead the legal heirs of D2 and the same was completed during the year 2017 and it was repeatedly adjourned for clarification without any progress and thereafter the suit was transferred to the file of the District Munsif cum Judicial Magistrate Court and re-numbered as O.S.No 930 of 2019. When the counsel for the petitioner insisted to argue the matter, it was reported that the deposition of DW1 is missing from the Court bundle and steps are being taken to re-construct the same. Further the steps for re-construction could not be done as the deposition copy is neither available with the plaintiff nor with the defendant. In such event the Trial Court ought to have either examined the legal representatives of D2(DW1) and ought to have permitted the other defendants to examine if they desire to do so



and further it has proceeded to hear arguments in the suit. He would also submit that there is no purpose in keeping the suit pending for the past 32 years.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Admittedly the case is of the year 1989 and originally filed as O.S. No.2766 of 1989 on the file of the III Additional District Munsif Court, Trichy and it is pending for the past 31 years. A duty is cast upon the Trial Court to conclude the trial at the earliest.

5. In view of the same, the Trial Court is directed to take appropriate steps in accordance with law and to dispose of the suit in O.S. No. 930 of 2019 pending on its file and dispose of the same as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

6. The petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

aav

Note : 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.

To

The District Munsif cum Judicial Magistrate, Srirangam.

Copy to:

1.The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. PRABHAKAR, Advocate (SR-32495[F] dated 25/10/2021)

C.R.P (MD)No.1599 of 2021

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