



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM

WEB COPY

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD)No.1164 of 2020

Baskar

... Petitioner

Vs.

1. Palanisamy

2. The State of Tamilnadu,
Rep.by the District Collector,
Collectors Office,
Collector Office Road,
Cantonment,
Trichirappalli.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Lalgudi, Trichirappalli, to expedite the trial in O.S.No.301 of 2018 on its file, within a time frame as may be fixed by this Court.

For Petitioner

: Mr.M.Siddharthan

ORDER

This civil revision petition has been filed to direct the learned Subordinate Judge, Lalgudi, Trichirappalli, to expedite the trial in O.S.No.301 of 2018 on its file, within a time frame.

2.The petitioner / plaintiff filed a suit in O.S.No.301 of 2018 before the learned Subordinate Judge, Lalgudi, Trichirappalli for declaring the plaintiff as the owner of the A schedule property and as a consequential relief, order the defendants to deliver possession of the property after removing the super structure namely, the asbestos shed and other construction found in the A schedule and for a direction to the third defendant to remove the construction made in the B schedule property by the defendants. The respondents herein are the defendants. According to the petitioner, the suit was originally filed in the year 2017 before the learned I Additional Subordinate Judge, Trichirappalli and the same was transferred in the year 2018 to the file of the learned Subordinate Judge, Lalgudi, Trichirappalli and numbered as O.S.No.301 of 2018. According to the petitioner, the suit is pending from the year 2018



and it has been adjourned on various dates. Due to the pendency of the above said suit, the petitioner is not in a position to deal with the property and it cause serious prejudice to him. Hence, this petition.

3. Heard the learned counsel for the petitioner/plaintiff. In view of the limited relief sought for by the petitioner/plaintiff and also considering the fact that the disposal of this petition, it would not cause any prejudice to the respondents, this Court is of the view that notice need not be sent to the respondents.

4. Considering fact that the suit has been adjourned on various dates and also considering the submission of the learned counsel for the petitioner, without adverting to the merits of the case, this Court is inclined to issue the following direction to the Court below:

The learned Subordinate Judge, Lalgudi, Trichirappalli is directed to dispose of the suit in O.S.No.301 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 cooperate with the Court below for early disposal of the same.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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 Subordinate Judge, Lalgudi, Trichirappalli District.

+1cc to Mr.M.Siddharthan, Advocate, SR.No.136.

C.R.P. (MD)No.1164 of 2020

05.01.2021

KVN(CO)

CS(21-01-2021)-3P 3C
<https://hcservices.ecourts.gov.in/hcservices/>