



C.R.P (MD) No.1266 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.1266 of 2022

Sivapragasam

... Petitioner

Vs

1.P.Muthusami
2.M.Periyasami
3.Maniyammal
4.Selvaraj
5.Raja
6.Revathi
7.Seetharaman
8.Paul Raj
9.Anbu

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned I Additional District Court, Tiruchirappalli to dispose of O.S.No.242 of 2019, on the file of the I Additional District Court, Tiruchirappalli in a time bound manner as fixed by this Court.



WEB COPY



C.R.P (MD) No.1266 of 2022

For Petitioner	: Mr.S.B.Kavin Prince
For R1	: Mr.K.Muthumalai
For R8	: Mr.Kishore Raj
For R2 to R7 & R9	: No appearance

ORDER

This petition has been filed to direct the learned I Additional District Judge, Tiruchirappalli to dispose of O.S.No.242 of 2019, pending on his file, within a stipulated time frame fixed by this Court.

2.The learned Counsel appearing for the petitioner submits that he is the sixth the defendant in the suit in O.S.No.242 of 2019, which is pending on the file of the I Additional District Court, Tiruchirappalli. The first respondent/plaintiff has filed the above suit for the relief of partition and for permanent injunction as against the petitioner and other defendants. The petitioner/sixth defendant has filed his written statement. According to the petitioner, since the suit is pending, he could not utilise his property. He further submits that the



C.R.P (MD) No.1266 of 2022

trial Court is adjourning the suit stating that the names of the defendants 4 & 9 in the plaint differs and it has to be amended. Since the petitioner has suffered with certain ailments, he prays for early disposal of the suit in O.S.No.242 of 2019. He also produced the 'A' Diary extract.

3.The learned Counsel for the contesting respondents submits that the name of the defendants 4 & 9 differs in the plaint and it has to be necessarily corrected. The suit was posted on 11.02.2022 for filing of the written statements by the defendants 1 and 3.

4.From the 'A' Diary extract produced by the petitioner, it is seen that the suit is of the year 2019 and it is being adjourned from 19.12.2019 to 11.02.2022 for taking steps to amend the names of defendants 4 and 9 in the plaint.

5.Under such circumstances, this Civil Revision Petition is disposed of with a direction to the I Additional District Court,



C.R.P (MD) No.1266 of 2022

WEB COPY

Tiruchirappalli, to dispose of the suit in O.S.No.242 of 2019, within a period of one year from the date of receipt of a copy of this order. No costs.

08.08.2022

vrn

To

The I Additional District Court, Tiruchirappalli,



WEB COPY



C.R.P (MD) No.1266 of 2022

B.PUGALENDHI, J.

vrn

C.R.P(MD)No.1266 of 2022

08.08.2022