



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.1474 of 2022

WEB COPY
Pandimuthu

... Petitioner/1st Defendant

versus

1. Kamardeensayabu
2. Ramaraj
3. Pandiyan
4. Mariyammal
5. Rajendran
6. Rameshkumar
7. Ranjithkumar
8. Raman
9. Kumar
10. Tamilarasan
11. Vasantha
12. Kalavathi
13. Lakshmi
14. Guruvammal
15. Palchamy
16. Santhanaraj
17. Mathavan
18. Meenatchi
19. Sukirtha
20. Subbulakshmi
21. Thavamani
22. Minor Visvanath
23. Minor Parvathi
(Minors are represented by
their natural guardian 21st respondent)
24. The District Collector,
District Collector Office,
Theni District.
25. The Thasildar,
Taluk Office,
Theni Taluk,
Theni District.
26. The Sub-Registrar,
Chinnamanur Sub-Registrar Office,
Uthamapalayam Taluk,
Theni District.

... Respondents

Civil Revision Petition filed under Article 227 of the
Constitution of India, seeking a direction to the Subordinate Court,

<https://www.mhc.tn.gov.in/judis>



Theni, to dispose of the suits in O.S.No.242 of 2020 and 67 of 2021 within a time limit as stipulated by this Court.

For Petitioner : Mr.S.Vishnuvardhan
For R1 : No appearance
For R2 to R23 : No appearance
For R24 to R26 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

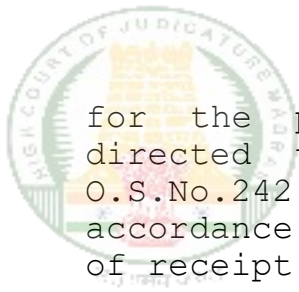
The petitioner has filed this Civil Revision Petition seeking a direction to the Sub Court, Padmanabhapuram, to expedite the trial in O.S.Nos.242 of 2020 and 67 of 2021, which are pending on the file of the Sub Court, Theni.

2. The learned counsel appearing for the petitioner submits that respondents 1 to 3 herein have filed a suit in O.S.No.83 of 2016 before the District Munsif Court, Theni, seeking the relief of declaration and also the consequential relief of permanent injunction against the petitioner herein and others. By filing the above suit, they also attempted to disturb the possession of the petitioner/first defendant in the above suit. Therefore, the petitioner/first defendant in O.S.No.83 of 2016, has filed a separate suit in O.S.No.242 of 2020 before the Sub Court, Theni, seeking the relief of declaration and injunction against the respondents 1 to 3 herein. Thereafter, the petitioner herein filed Tr.O.P.No.64 of 2020 before the learned Principal Sessions Judge (FAC), Theni, seeking transfer of O.S.No.83 of 2016 from the file of the District Munsif Court, Theni to the file of the Sub Court, Theni. The said petition was allowed by order dated 14.10.2020 and the suit in O.S.No.83 of 2016 was directed to be transferred to the file of the Sub Court, Theni, to be tried along with O.S.No.242 of 2020 for joint trial. Subsequently, the suit in O.S.No.83 of 2016 was transferred to the Sub Court, Theni and renumbered as O.S.No.67 of 2021.

3. Now, it is the grievance of the petitioner that the plaintiffs side evidence was over and the defendants were also examined in chief, but, the plaintiffs/respondents 1 to 3 herein, without having any reason, are taking adjournments unnecessarily for cross examining the defendants. Therefore, he prays for early disposal of the above suits.

4. Though notice was served on the respondents and their names have also been printed in the cause list, there is no representation on behalf of them either in person or through a counsel.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing



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for the petitioner, the learned Subordinate Judge, T is directed to conclude the trial and dispose of the suits in O.S.No.242 of 2020 and O.S.No.67 of 2021, on merits and in accordance with law, within a period of eight months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

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To

1. The Sub Court,
Theni.

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-41798[F] dated 30/08/2022)

+1 CC to M/s.SPL.GP (SR-41664[F] dated 30/08/2022)

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