



CRP(PD)(MD)No.1543 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1543 of 2022

1. Kamalam
2. Ramesh
Venkatesh (died)
3. Dhanalakshmi

... Petitioners

versus

1. Periyammal
2. Ganapathy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the learned Sessions Judge, Fast Track Court, Sivagangai, to dispose of O.S.No.2 of 2020 filed by the first respondent herein within a time frame as fixed by this Court.

For Petitioners : Mr.S.Karthikeyan

For R1 : Mr.K.Muthumalai

For R2 : No appearance



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ORDER

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This Civil Revision Petition is filed seeking a direction to the learned Sessions Judge, Fast Track Court, Sivagangai, to dispose of O.S.No.2 of 2020 filed by the first respondent herein, within a stipulated time.

2. The petitioners herein are defendants 1, 2 and 6 in the suit in O.S.No.2 of 2020 on the file of the learned Sessions Judge, Fast Track Court, Sivagangai. The said suit has been filed by the filed first respondent herein seeking declaration and permanent injunction.

3. It is the grievance of the petitioner that though the suit was posted for trial on 27.04.2022, the first respondent/plaintiff is evading the trial by one way or other. The learned counsel has also relied on the diary extract in support of the same.



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4. A perusal of the diary extract discloses that since the plaintiff has not proceeded with the trial, the trial Court adjourned the case for appearance of the plaintiff on 13.07.2022. On that day, the plaintiff was present, however, the learned counsel for the plaintiff was absent and therefore, the case was adjourned for appearance of the counsel for the plaintiff on 25.07.2022. Even on that day also, the learned counsel for the plaintiff was not present and therefore, again, the case was adjourned to 03.08.2022. On that day, the learned counsel for the plaintiff was present, however, he sought for further time.

5. From the above diary extract, it clearly shows that the first respondent/plaintiff is evading trial proceedings. Therefore, the learned Sessions Judge, Fast Track Court, Sivagangai, is directed to conclude the trial and dispose of the suit in O.S.No.2 of 2020, on merits and in accordance with law, within a period of six 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.

01.11.2022

Index : Yes / No.

Internet : Yes / No.

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To

1. The learned Sessions Judge,
Fast Track Court,
Sivagangai.



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B.PUGALENDHI, J.

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