



C.R.P (MD) No.2256 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.2256 of 2019

T.Manoj Nadar

... Petitioner

Vs

1.P.Muthuraman

2.G.Kannan

3.R.Anthony Selvam

4.K.S.Balakrishnan

5.A.Ganesan

6.R.Rajesh

7.M.Mohammed Yoosuf Bashim

8.S.H.Jameela Peer Mohammed

9.Janetha

10.E.Jeyasekaran

11.T.Vijaya

12.T.Dinesh Nadar

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District and Sessions Judge, Kanyakumari District at Nagercoil to dispose the O.S. NO. 75 of 2015 on the file of District and Sessions judge, Kanyakumari District at Nagercoil within stipulated time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.P.Senthil

ORDER

This petition has been filed for a direction to the District and Sessions Judge, Kanyakumari District at Nagercoil to dispose the case in O.S.No.75 of 2015 on his file within a stipulated time frame fixed by this Court.

2.The learned Counsel for the petitioner submits that the plaintiffs have filed a suit in O.S.No.75 of 2015 seeking relief of declaration and permanent injunction and the suit is still pending. Though plaintiffs' side evidence is over, the defendants did not cross examine them with malafide intention and they filed an application for reopening the case and recalling the witness. The same were



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allowed, but they did not appear and therefore, they were set *ex-parte*. As against the same they have filed interim applications. Thus it is clear that the defendants with malafide and deliberate intention are dragging on the proceedings without allowing it to continue.

3.The learned Counsel for the contesting respondents submits that there are interlocutory applications pending and therefore, the trial could not be completed. The defendants are not dragging on the proceedings as alleged by the petitioner.

4.It is seen that the suit was filed in the year 2015. Plaintiffs side evidence was closed in the year 2018 itself and it was reopened and PW1 was recalled on 11.12.2018 and the defendants are set *ex-parte*. As against the same interlocutory applications are filed in the year 2019 and the same are pending for the past three years and this civil revision petition itself was filed in the year 2019 for speedy disposal of the suit.



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5. Under such circumstances, the civil revision petition is disposed of with a direction to The learned District and Sessions Judge, Kanyakumari at Nagercoil to dispose of the suit in O.S.No.75 of 2015 within a period of eight months from the date of receipt of a copy of this order. No costs.

21.07.2022

dsk

To
The District and Sessions Judge,
Kanyakumari at Nagercoil.



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B. PUGALENDHI , J.

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