



C.R.P.No.1134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Civil Revision Petition (PD).No. 1134 of 2023

1. Senthil Educational Trust,
Rep by its Managing Trustee,
Dr.E.Senthil Anand,
Periyavadavadi,
Vijayamanagaram Post,
Virudhachalam Taluk,
Cuddalore District – 606 104.

2. Dr.E.Senthil Anand

3. Dr.E.Chandravadivu

Vs.

... Petitioners

1. Dr.N.Elavarasan
2. D.Thangarasu
3. K.Vaidyanathan
4. P.Ganesan
5. V.Prasanna
6. Selvi S.Dhivya
7. R.Kavitha
8. V.Prathib
9. M.Vinoth Kumar
10. S.Kalajarasan
11. K.Rahulraj
12. J.Mohan Kumar

... Respondents



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Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Virudhachalam to expedite the trial and complete the same in O.S.No.58 of 2020 on the file of the Sub Court, Virudhachalam within the time stipulated by this Court.

For Petitioners : Mr.A.Mohamed Ismail
for M/s.Veera Associates

ORDER

The Civil Revision Petition is filed by the plaintiffs in O.S.No.58 of 2020, on the file of the learned Subordinate Judge, Virudhachalam, for a direction to expedite the trial and dispose of the same.

2. It is submitted by the learned counsel for the revision petitioners that O.S.No.58 of 2020 was filed by the Trust represented by trustees alleging against the respondent / defendant No.1 that he is illegally opted respondent No.2 to 12 as the Trustees without following due procedures. After filing of the suit, the defendant No.3 is stated to have filed an application under Order VII Rule 11 CPC in I.A.No.294 of 2020 and after due enquiry, the said application came to be dismissed on 19.04.2021 by the learned Subordinate Judge, Virudhachalam.



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3. Aggrieved by the same, the defendants have preferred C.R.P.No.2484 of 2022 before this Court and the same also came to be dismissed on 15.09.2022. After the dismissal, the respondents are stated to have approached the Revenue Court for invoking the provisions under Section 142 Cr.P.C and that was also declined.

4. It is also observed that suit was though filed in the year 2020, written statement is not filed, may be on account of C.R.P.No.2484 of 2022, which was dismissed on 15.09.2022. On account of non filing of the written statement, there is no progress in O.S.No.58 of 2020.

5. Considering the above, the Civil Revision Petition is disposed by giving following directions:

(i) The learned Subordinate Judge, Virudhachalam is hereby directed to fix the short date for filing of written statement by the defendants.

(ii) On filing of such written statement and after framing of the issues, the trial Court is further directed to dispose of the suit as expeditiously as possible.



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6. With the above observations, the Civil Revision Petition is disposed of. No order as to costs.

19.04.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The Subordinate Judge,
Virudhachalam.

2. The Section Officer,
V.R.Section,
High Court, Madras.



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Dr. D. NAGARJUN, J.,

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