



CRP.No. 3129 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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and

CMP.No. 17573 of 2023

K. Veerappan

.. Petitioner

Versus

Periyasamy (Died)

1.Murugaiyan

2.Muthusamy

3.Sivakumar

4.Prakash

5.Rajasekar

6.Ravikumar

7.Jayakumar

8.Anbu

9.Subburayan

10.Kuppu Durai

Ganesan (Died

11.The District Collector

Namakkal District

Namakkal.

12. The District Revenue Officer

Namakkal Collectorate Office

Namakkal District.

13. Chinnapillai

.. Respondents



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Civil Revision Petition filed under Article 227 of the Constitution of India, prays to direct the District Munsif Court, Paramathi, Namakkal District to dispose of the suit in O.S.No. 48 of 2016 with the time limit framed by this Court.

For Petitioner : Mr.C. Thangamani

ORDER

This Civil Revision Petition has been filed seeking a direction to dispose of the suit in O.S.No. 48 of 2016 pending on the file of the District Munsif Court, Paramathi, Namakkal District.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. On a perusal of the records, it reveals that the respondents 1 to 7/plaintiffs have filed the suit for declaration and permanent injunction against the revision petitioner/1st defendant and others. The defendants have contested the suit by filing written statement denying all the averments made in the plaint. During the pendency of the suit, the plaintiffs have filed IA.No. 193 of 2016 in O.S.No. 48 of 2016 under Order 26 Rule 9 of CPC., seeking



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for appointment of Advocate Commissioner to note down the physical features of the suit property with the help of the qualified Surveyor and to submit a roght sketch and the same is pending for the report of the Advocate Commissioner. In the meanwhile, the plaintiffs have approached the District Revenue Officer, Namakkal, to issue separate Patta to them. After perusing the records, the District Revenue Officer ordered by way of Proceedings in Pa.Mu.4751/2016/[O.1], dated 13.02.2017, stating that separate pattas will be given to the parties concerned subject to the outcome of the suit proceedings. Hence, the petitioner/1st defendant has come forward with the present revision before this Court.

4. The learned counsel for the revision petitioner/1st defendant submitted that the petitioner is aged about 76 years and the suit is of the year 2016 and the IA.No.193 of 2016 still pending for the report of the Advocate Commissioner. While that being the case, the Court below has not framed any issues and the matter is adjourned from time to time without any progress. Therefore, the learned counsel seeks a direction to dispose of the suit as expeditiously as possible.



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5. Taking into the above facts and in view of the submissions made by the learned counsel for the revision petitioner/1st defendant, this Court is inclined to pass the following order:-

The trial Court is directed to dispose of the suit in O.S.No. 48 of 2016 pending on the file of the District Munsif Court, Paramathi, Namakkal District, as expeditiously as possible, preferably, within a period of one year from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

30.08.2023

Index : Yew/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
msm

To

1. The District Munsif Court, Paramathi, Namakkal District.
2. The Section Officer, High Court, Madras



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V. BHAVANI SUBBAROYAN, J

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