



C.R.P.No.3543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.R.P.No.3543 of 2023

V.Kanniyappan

... Petitioner

Versus

1.J.Raju

2.Mary

...Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to direct the learned District Munsif, Tiruvottriyur to speed up the enquiry and dispose of O.S.No.63 of 2022 on the file of the District Munsif Court, Thiruvottriyur at the earliest.

For Petitioner : Mr.R.Gopalakrishnan

ORDER

This petition has been filed to direct the learned District Munsif, Tiruvottriyur to speed up the enquiry and dispose of the O.S.No.63 of 2022.

2. The learned counsel for the revision petitioner submitted that the original suit was filed by the petitioner, who is aged about 73 years. He



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further submitted that the respondent appeared and submitted his written statement and the arguments of the respondent was closed on 12.01.2023, since they failed to argue even after several opportunities given by the trial Judge in I.A.No.2 of 2022 filed by the petitioner. Further the respondent filed an I.A.No.3 of 2023 to reopen their arguments and the same has been allowed on 02.02.2023, taking advantage of it, the respondent delaying the proceedings with malafide intention. The respondent side argument in I.A.No.3 of 2023 is still pending from 02.02.2023 and the matter has been adjourned for several times, but there is no progress in the trial for the past 8 month from the stage of framing of issues. He also submitted that the respondent prolong the suit by obtaining unnecessary adjournment on flimsy reasons, which is causing prejudice to the petitioner. Hence the petitioner has preferred this revision.

3. On a perusal of record, it is seen that the suit was filed for permanent injunction restraining the defendant from interfering with the plaintiff's possession and enjoyment of the B-Schedule property and grant mandatory injunction restraining the defendants not to put up any



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construction in the common path way. However, written statements was filed and the case is now posted for issues on 02.02.2023. In the mean time, the petitioner filed I.A.No.2 of 2022, on 05.01.2022, not to put up construction in the suit property and the same has not been disposed by the learned trial Judge.

4. On considering the age of the petitioner, this Court is directed the learned District Munsif, Tiruvottriyur to dispose of the suit in O.S.No.63 of 2022 within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision petition is allowed. No costs.

12.10.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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T.V.THAMILSELVI, J.

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To
WEB COPY

- 1.The learned District Munsif, Tiruvottriyur.
- 2.The Section Officer,
VR-Section, High Court of Madras.

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