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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MRS. **JUSTICE V. BHAVANI SUBBAROYAN**

CRP.No. 3485 of 2023

Mother Theresa Rural Development Centre

Regn.No. 164/1998,

Represented by its then

Managing Trustee A.P. Yesudoss.

... Petitioner

Versus

1. Mother Theresa Rural Development Centre

Regn.No. 164/1998

Represented by its Trustees

Mrs.Y. Victoria (Since Died)

(i) Y. Gadys Zenever

(ii) B. Sherif

2. Mother Theresa Rural Development Centre

Regn.No. 164/1998

Represented by its President Cum

Managing Trustee Fr. Stanislaus Swamikannu.

3. Fr. Stanislaus Swamikannu

4. Fr. Joe Andrew

Vice President of Mother Theresa Rural
Development Centre.

5. Fr. John Louis Mariapragasam

6. Fr. Francis Subastin

7. Sagayaraj Philominathan

8. Fr. Charles Stephen

... Respondents



Civil Revision Petition filed under Article 227 of the Constitution of India praying for a direction to the Principal District Judge, Vellore to dispose of the suit in O.S.No. 148 of 2018.

For Petitioner : Mr. V. Pavel

ORDER

The present revision is filed seeking for a direction to the learned Principal District Judge, Vellore, and dispose of the suit in O.S.No. 148 of 2018.

2. The case of the petitioner is that the suit has been filed by the plaintiff before the learned Principal District Judge, Vellore, for declaration and permanent injunction against the defendants. The 1st defendant has contested the suit by filing written statement denying all the averments made in the plaint. While pending the suit, one Malini filed I.A.No. 3 of 2020 under Order 1 Rule 10(2) of CPC., seeking to implead herself as the 9th defendant in the above suit. The 4th respondent was set exparte by the Court below for non filing of counter affidavit. Then, the 3rd respondent had filed a petition to set aside the exparte order in I.A.No. 8 of 2022. The above impleading petition in I.A.No. 3 of 2020 is still pending for non filing of counter by the respondents 3 to 8, but the petitioner filed his written



statement on 05.02.2020. The respondents 3 to 8 have been adopting several strategies protracting the trial for the past five years. The petitioner is highly prejudiced with the proceedings and there is delaying tactics adopted to prove his case in the above suit. Therefore, the petitioner has come forward with the present revision seeking a direction to dispose of the suit.

3. The learned counsel for the petitioner/1st defendant submitted that the plaintiff has been unnecessarily prolonging the matter without any progress. The petitioner who is aged about 70 year old. The death of the 1st plaintiff was ignored by the trial Court. The reason of the death of the 1st plaintiff is the unlawful compromise proposed by the respondents 3 to 8. The respondents 3 to 8 deliberately delayed the case had not filed any counter in I.A.No. 3 of 2020 and caused delay for its disposal. Therefore, the learned counsel seeking a direction to dispose of the above suit.

4. In view of the above facts and circumstances of the case, I am inclined to direct the learned Principal District Judge, Vellore, to consider the I.A.No. 3 of 2020 and pass appropriate orders within 4 weeks and to dispose of the suit in O.S.No. 148 of 2018 as expeditiously as possible in accordance with law.



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5. With the above direction, the Civil Revision Petition is disposed of.

However, there is no order as to costs.

20.09.2023

msm

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

The Principal District Judge, Vellore.



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V. BHAVANI SUBBAROYAN, J.

msm

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