



C.R.P PD(MD)No.20 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.20 of 2023

P.Pournam

... Petitioner

Vs

1.M.Subbaiah

2.S.Karuppayee

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, directing the learned District Munsif cum Judicial Magistrate No.I, Usilampatti, Madurai District to dispose of I.A.No.902 of 2014 in O.S.No.262 of 2014, pending on its file at the earliest.

For Petitioner	: Mr.G.Sakthi Rao
For Respondents	: Mr.D.Malaichamy

ORDER

This Civil Revision petition is filed for an early disposal of



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I.A.No.902 of 2014 in O.S.No.262 of 2014 pending on the file of the District Munsif cum Judicial Magistrate Court No.I, Usilampatti, Madurai District.

2.The learned Counsel appearing for the petitioner submits that the respondents herein filed O.S.No.262 of 2014 before the District Munsif cum Judicial Magistrate Court No.I, Usilampatti as against the petitioner and other defendants, for the relief of permanent injunction. Pending the suit, the petitioner filed I.A.No.902 of 2014 in O.S.No.262 of 2014, under Order XXVI Rule 9 of Civil Procedure Code for appointment of Advocate Commissioner. He further submits that an Advocate Commissioner was also appointed by the trial Court on 02.06.2015. However, no report has been filed so far. Hence, a direction may be issued to the trial Court to conclude the proceedings at the earliest.



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3.This Court considered the submissions of the learned counsel for the petitioner and also perused the materials placed on record.

4.Perusal of the records shows that the suit in O.S.No.262 of 2014 was filed by the respondents herein as against the petitioner and other defendants, before the District Munsif cum Judicial Magistrate Court No.I, Usilampatti, for the relief of permanent injunction. The petitioner filed a petition in I.A.No.902 of 2014 in O.S.No.262 of 2014 for appointment of Advocate Commissioner. Though the trial Court appointed the Advocate Commissioner on 02.06.2015, a report has not been filed so far.

5.In view of the above, this Court is inclined to dispose of this Civil Revision Petition with a direction to the learned District Munsif cum Judicial Magistrate No.I, Usilampatti to dispose of I.A.No.



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902 of 2014 in O.S.No.262 of 2014 within a period of two weeks from the date of receipt of a copy of this order. The trial Court shall also endeavour to conclude the trial in O.S.No.262 of 2014 within a period of six months from thereon.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

02.02.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

The District Munsif cum Judicial Magistrate Court No.I,
Usilampatti, Madurai District



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B.PUGALENDHI, J.

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