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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.143 of 2023

Mariappan(Died)

1.Indira Gandhi

2.Arun Ponraj

3.Kalaiselvan

4.Selvi Gayathiri

... Petitioners/Plaintiffs

Vs.

1.V.Kandhakrishnan

2.K.Murali

3.K.Elango

... Respondents/Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Additional District Judge, Srivilliputtur, to dispose of the suit in O.S.No.10 of 2013 pending on the file of the Additional District Court, Srivilliputtur within a stipulated period to be fixed by this Court.

For Petitioners

:Mr.M.Thirunavukkarasu

For Respondents

:Mr.A.Sivaji



ORDER

The Civil Revision Petition is filed for speedy disposal of the suit in O.S.No.10 of 2013 pending on the file of the Additional District Court, Srivilliputtur, within a stipulated period to be fixed by this Court.

2. According to the learned counsel appearing for the petitioners, the suit in O.S.No.10 of 2013 was filed for the relief of specific performance, and the suit in O.S.No.2 of 2022 for the relief of partition in the schedule mentioned property and the suit in O.S.No.144 of 2021 was filed for permanent injunction not to evict the plaintiffs in the said suit without due process of law.

3. The learned counsel appearing for the petitioners would submit that though joint trial of the above three suits was ordered, the respondents/defendants are not co-operating for commencement of trial and delaying the proceedings for no reason. He would further submit that the petitioners' father had deposited a sum of Rs.20 lakhs as sale consideration before the trial Court in the year 2013 itself and the said amount is laying to the credit of the above suits for 10 years without bearing any interest. In such view of the case, it is just necessary to dispose the above three suits at



an early date. However, the trial Court is adjourning the proceedings without any valid reason, which is causing much inconvenience to the parties, especially to the petitioners/plaintiffs. Therefore, seeks for a direction to direct the learned Additional District Judge, Srivilliputtur, to dispose of the above three suits within the stipulated time fixed by this Court.

4.The learned counsel appearing for the respondents objected the claim made by the learned counsel for the petitioners/plaintiffs.

5.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents and perused the materials available on record.

6.As per the order of this Court, dated 14.02.2023, a report has been filed by the the learned Trial Judge on 24.02.2023, wherein it is reported that the aforementioned three suits are taken for joint trial and at that time, the fourth respondent in O.S.No.2 of 2022 died and a memo was field on 21.02.2022. Hence, the plaintiff in the above said suit filed an application to implead the legal heirs of the fourth respondent and three applications were filed by the petitioners/plaintiffs in the aforementioned suits and notice was ordered, and the applications were posted on 27.02.2023 for service of



notice to R12 to R14.

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7. Considering the delay in disposing the above suits, this Court directs the learned Additional District Judge, Srivilliputtur to dispose the applications and the above suits in accordance with law, without any further delay and without giving any unnecessary adjournments, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

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

No costs.

06.07.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes/No

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To

1. The Additional District Judge,
Srivilliputtur.

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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