



C.R.P.(MD) No.1714 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1714 of 2023

C.T.Sundharam

... Petitioner

Vs.

1.A.Arunmozhi

2.S.Muthuperiyal

3.K.Unnamalai

4.M.Vishalatchi

5.M.Sivakami

... Respondents

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Devakottai to dispose of the suit in O.S.No.27 of 2022 as expeditiously as possible.

For Petitioner : Mr.S.Ramsundarvijayraj

ORDER

This Civil Revision Petition has been filed by the petitioner for speedy disposal of O.S.No.27 of 2022 on the file of the Sub Court, Devakottai.



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2. Since this Civil Revision Petition filed by the petitioner is only for speedy disposal of the suit, notice for the respondents is not required and is therefore dispensed with.

3. According to the petitioner, the above suit in O.S.No.27 of 2022 was filed by the petitioner before the Subordinate Court, Devakottai for specific performance. It is submitted that a Sale Agreement was entered into between the petitioner/plaintiff and the respondents/defendants on 06.09.2019 for sale of the suit property. Since the respondents/defendants failed to perform as per the terms of the Sale Agreement dated 06.09.2019, the petitioner/plaintiff filed the above suit.

4. It is submitted that on 08.04.2022, a Vakalat has been filed for the first and third defendants and they jointly submitted a decree memo. On 20.04.2022, the fourth and fifth defendants called absent and were set *exparte*. It is submitted that at the stage of proceedings, the regular Judge was transferred and the case was adjourned to 15.06.2022 for recording *exparte* evidence. It is submitted that the learned In-charge Judge without considering the nature of the case has simply adjourned the case to 25.08.2022, 17.11.2022 & 16.12.2022.



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5. It is submitted that the Chief Examination of P.W.1 was made and Ex.A1 to A18 were marked. It is further submitted that though the learned counsel for the first to third defendants made an endorsement “no cross” and decree memo was already filed, the learned Trial Judge has simply adjourned the case to 24.04.2023 and 26.07.2023 for cross examination of P.W.1 without considering the above endorsement.

6. It is further submitted that the advance petition filed by the petitioner/plaintiff on 07.06.2023 is kept in abeyance. The petitioner is a senior citizen aged about 73 years and he has invested a sum of nearly Rs.10 lakhs for acquiring 800 sq.ft. house site to build a very small house as his life ambition. Unfortunately, till date, the suit is not disposed of. It is further submitted that the petitioner is suffering from mental agony, financial loss and without the shelter and time loss and therefore, he was constrained to approach this Court for speedy disposal of the suit.

7. Considering the above facts and circumstances of the case, the learned Sub Judge, Devakottai is directed to expedite the trial and dispose the suit in O.S.No.27 of 2022 on merits, without giving any unnecessary adjournments,



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expeditiously, within a period of 8 months from the date of receipt of a copy of

this order.

8. Accordingly, this Civil Revision Petition is disposed of. No cost.

21.08.2023

NCC :Yes/No

Internet: Yes/No

Index: Yes/ No

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To

The Subordinate Judge,
Devakottai.



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K.GOVINDARAJAN THILAKAVADI, J.

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