



C.R.P.(MD) No.1736 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

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

C.R.P.(MD) No.1736 of 2023

M.Ananda Raja

... Petitioner

Vs.

1.Arul

2.The Commissioner,
Usilampatti Municipality,
Madurai District.

3.The Tashsildar
Usilampatti Taluk,
Madurai District.

4.The Special Tahsildar (Town Survey),
Usilampatti,
Madurai District.

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif cum Judicial Magistrate Court, Usilampatti, Madurai District to dispose of the suit in O.S.No.74 of 2016 expeditiously.

For Petitioners : Mr.S.Jayakumar

For R2 to R4 : Mr.G.Suriyananth
Additional Government Pleader



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ORDER

The above Civil Revision Petition is preferred by the petitioner for early disposal of O.S.No.74 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Usilampatti, Madurai District.

2. The petitioner is the fourth defendant in O.S.No.74 of 2016. The above suit in O.S.No.74 of 2016 was filed by the first respondent/plaintiff for declaration of title and for permanent injunction.

3. According to the petitioner/fourth defendant, the above suit was filed in the year 2016, in which, trial was completed and both side arguments over. It is submitted that before commencement of trial, the first respondent/plaintiff filed an application for appointment of an Advocate Commissioner which was allowed by the Trial Court and accordingly, the Advocate Commissioner was appointed. It is submitted that Advocate Commissioner filed his report and he was examined and cross examined.

4. It further submitted that before passing the Judgment in the suit, again, the first respondent/plaintiff filed another application for appointment of the



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Advocate Commissioner and same Advocate Commissioner was also appointed. The suit is now pending for the Advocate Commissioner's Report.

5. The learned counsel appearing for the petitioner/fourth defendant would submit that in spite of the direction given by this Court to the Trial Court in the common order dated 27.07.2015 passed in W.P.(MD) No.10328 of 2016 etc. batch to dispose the case within a period of six months from the date of receipt of a copy of the order, there is no progress in the matter and the case is adjourned periodically for filing of the Commissioner's Report and therefore, the petitioner/fourth defendant has approached this Court for early disposal of the suit.

6. On perusal of the records and the arguments put forth by the learned counsel for the petitioner/fourth defendant, this Court directs the learned District Munsif cum Judicial Magistrate, Usilampatti, Madurai District, to dispose the suit in O.S.No.74 of 2016 on merits, without any further delay and without giving any unnecessary adjournments, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, within a period of three months from the date of receipt of copy of this order.



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7. The learned District Munsif cum Judicial Magistrate, Usilampatti, Madurai District is also directed to communicate this order to the Advocate Commissioner, within a period of two days from the date of receipt of a copy of this order.

8. The learned Advocate Commissioner appointed by the Trial Court, is directed to file his report, within a period of two weeks from the date of receipt of the communication of the Trial Court.

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

21.07.2023

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

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To

1.District Munsif cum Judicial Magistrate Court,
Usilampatti, Madurai District

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Madurai District.



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K.GOVINDARAJAN THILAKAVADI, J.

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