



C.R.P(MD)No.1934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

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

C.R.P(MD)No.1934 of 2023

A.S.Tajuddin

... Revision Petitioner

Vs.

- 1.Sathyam Trust,
No.4/208, Maruthupandian Street,
Thasildar Nagar,
Anna Nagar,
Madurai - 625 020.
- 2.Sathyam Trust,
through its the Managing Trustee Ramar,
S/o.Muthiah,
No.4/208, Maruthupandian Street,
Thasildar Nagar,
Anna Nagar,
Madurai - 625 020.
- 3.Sathyam Trust,
through its the Managing Trustee Lakshmanan,
S/o.Muthiah,
No.4/208, Maruthupandian Street,
Thasildar Nagar,
Anna Nagar,
Madurai - 625 020.

... Respondents



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Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Melur, Madurai District, to dispose of I.A.No.2 of 2019 in R.C.O.P.No.12 of 2017.

For Petitioner : Mr.A.Joseph Jerry

ORDER

The Civil Revision Petition has been filed seeking a direction to the learned District Munsif, District Munsif Court, Melur, to dispose I.A.No.2 of 2019 in R.C.O.P.No.12 of 2017, within a stipulated period that may be fixed by this Court.

2. According to the Revision Petitioner, R.C.O.P.No.12 of 2017 was filed by the petitioner for eviction on the ground of wilful default and for demolishing the petition mentioned property. However, the above RCOP was dismissed for default on 02.07.2018, against which, the petitioner preferred application under Section 5 of the Limitation Act, to condone the delay in filing the petition for restoration.



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Though the Tribunal has allowed the said Section 5 petition in I.A.No.1 of 2019 on 05.01.2022, the restoration petition is still pending without any progress. Hence, she prays for early disposal of the above petition.

3.Considering the limited prayer sought for in the Revision, notice to other side is deemed unnecessary.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. On perusal of record, it is found that Section 5 application was allowed on 05.01.2022 and I.A.No.2 of 2019 for restoration of the RCOP petition is still pending.

6. Considering the facts and circumstances of the case and the restoration petition in I.A.No.2 of 2019 relates to the year 2019 and R.C.O.P.No.12 of 2017 relates to the year 2017, this Court directs the learned District Munsif, District Munsif Court, Melur, to dispose the case, pending on his file, on merits and in accordance with law, as



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expeditiously as possible, preferably within a period of two (02) months from the date of receipt of copy of this order.

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

08.08.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No

RM



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To
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- 1.The District Munsif,
District Munsif Court,
Melur.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

RM

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