



C.R.P.(MD) No.2061 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM

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

C.R.P.(MD) No.2061 of 2023

1.K.Palani

2.V.Devi

... Petitioners

Vs.

1.The Tahsildar,
Taluk Office,
Karaikudi.

2.Saraswathi

3.Neelavathi

4.Ramasamy

... Respondents

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Karaikudi to expedite and dispose the suit in O.S.No.130 of 2022 (Old No.136 of 2016), within a time frame stipulated by this Court.

For Petitioners : Mr.V.Gubanthiran



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ORDER

This Civil Revision Petition has been filed by the petitioners for speedy disposal of the suit in O.S.No.130 of 2022 (Old No.136 of 2016) on the file of the District Munsif Court, Karaikudi.

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

3. According to the petitioners, the petitioners filed the suit in O.S.No. 136 of 2016 on the file of the Principal District-cum-Judicial Magistrate Court, Karaikudi for declaration of the petitioners as legal heirs of their deceased father A.L.Karuppiah. The first to third respondents appeared through their counsel, but, did not file Written Statement. It is submitted that on 13.09.2017, an *exparte* order was passed against the second and third respondents and thereafter, the case was adjourned for filing Written Statement of the fourth respondent.



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4. It is further submitted that meanwhile, the second and third respondents filed an application in I.A.No.263 of 2018 to set aside the *exparte* order passed against them and same was allowed on 20.02.2019 and thereafter they filed Written Statement. It is also submitted that the fourth respondent appeared through counsel and adopted the Written Statement filed by the second and third respondents as his Written Statement. Thereafter, the case was referred to mediation on 27.03.2019. Though there were several attempts to dissolve the dispute till 14.09.2019, the matter was not settled.

5. It is submitted that the second petitioner was examined as P.W.1 and Ex.A1 to A12 were marked and the first petitioner filed his proof affidavit for examining him as P.W.2. During the interregnum, the Principal District Munsif cum Judicial Magistrate Court, Karaikudi was converted into the District Munsif Court, Karaikudi and therefore, the suit was renumbered as O.S.No.130 of 2022.

6. It is submitted that though the first petitioner is appearing for each and every hearing for cross examination, the respondents are not showing interest to cross examine the first petitioner. It is further submitted that the respondents with an intention to drag on the suit proceedings are not coming forward to



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complete cross examination of the petitioners/plaintiffs. The suit is being proceeded without any progress for past 7 years. Therefore, the petitioners were constrained to approach this Court for early disposal of the suit.

7. In view of the above facts, it is clear that the suit is periodically adjourned without any reason. Originally, the suit was filed in the year 2016 and the same is pending for more than 7 years. Considering the above, the learned District Munsif, Karaikudi is directed to dispose the suit in O.S.No.130 of 2022, without giving any unnecessary adjournments, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, within a period of 6 months from the date of receipt of a copy of this order.

8. This Civil Revision Petition is disposed of. No costs.

17.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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To
The District Munsif,
Karaikudi.



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K.GOVINDARAJAN THILAKAVADI, J.

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