



C.R.P.(MD) No.2423 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

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

C.R.P.(MD) No.2423 of 2023

T.Selvaraj

... Petitioner

Vs.

1.Regina Santhakumari

Jebakani Rajabai (Died)

2.George Thangaraj

3.Daisy Pushpam

4.Mary Gunaseeli

Bala Packiavathi (Died)

5.Willy Thanasingh

6.S.Golda

7.Gilda

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruchendur to dispose of O.S.No.76 of 2019 within the time fixed by this Court.



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For Petitioner : Mr.G.Rajaraman

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ORDER

This Civil Revision Petition has been filed by the petitioner for speedy disposal of the suit in O.S.No.76 of 2019 on the file of the Subordinate Court, Tiruchendur.

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. Therefore, this case is taken up for final disposal.

3. The above suit in O.S.No.76 of 2019 was filed by the first respondent/plaintiff before the Subordinate Court, Tiruchendur, (i) for partition and separate possession, (ii) permanent injunction, and (iii) for declaration of the Sale Deed dated 05.01.1980 executed by the first respondent/plaintiff's mother in favour of the petitioner/seventh defendant's father as null and void. The petitioner herein is the seventh defendant in the suit.

4. According to the petitioner, though the present suit was filed in the year 2019 itself, the previous suit in O.S.No.353 of 1981 was filed for the same



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cause of action in the year 1981. The said suit was dismissed on 18.10.1984, against which, A.S.No.98 of 1988 was filed which was dismissed on 27.01.1995 and the Second Appeal in S.A.No.1063 of 1997 was also dismissed on 20.11.2008. It is submitted that there is no impediment for the Sub Court to dispose of the case in O.S.No.76 of 2019.

5. It is submitted that the petitioner has filed his Written Statement on 16.09.2019. The suit was not taken for trial. It is submitted that the contesting respondents want to drag on the proceedings in order to avoid the disposal of the suit. It is further submitted that the petitioner is aged about 60 years and is struggling for justice for more than 30 years and could not enjoy fruits of the decree atleast his life time. Therefore, the petitioner was constrained to approach this Court for speedy disposal of the suit.

6. Considering the age of the petitioner/seventh defendant and considering the facts and circumstances of the case, the learned Subordinate Judge, Tiruchendur is directed to dispose the suit in O.S.No.76 of 2019 on merits, without giving any unnecessary adjournments, expeditiously, within a period of 3 months from the date of receipt of a copy of this order.



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

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Internet : Yes/No

NCC : Yes/No

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To

1.The Subordinate Judge,
Tiruchendur.

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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