



C.R.P.(MD) No.2397 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.2397 of 2023

1.Jothimani

2.Narmadha

... Petitioners

Vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Periyakulam, Theni.

3.Prabavathi

4.Yuvasri

5.Dinakaran

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order of speedy disposal of the suit in O.S.No. 92 of 2021 pending on the file of the District Munsif Court, Periyakulam within the time stipulated by this Court.

For Petitioners : Mr.Babu Rajendran



C.R.P.(MD) No.2397 of 2023

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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.92 of 2021 pending on the file of the District Munsif Court, Periyakulam.

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. This case is taken up for final disposal.

3. The above suit in O.S.No.92 of 2021 was filed by the petitioners under Order VII Rule 1 of the Code of Civil Procedure, 1908, before the District Munsif Court, Periyakulam, for declaration of them alone as legal heirs of the deceased Venkidasamy.

4. The learned counsel for the petitioners/plaintiffs would submit that the suit was filed by them on 11.11.2021 and the evidence on the side of the petitioners/plaintiffs was closed on 02.02.2023. It is submitted that on 09.02.2023, the first and second respondents/first and second defendants had submitted before the Trial Court that there was no oral evidence on their. But,



C.R.P.(MD) No.2397 of 2023

the third to fifth respondents/third to fifth defendants are purposely dragging on the proceeding from 16.02.2023 to 16.08.2023 without filing their proof affidavit.

5. The learned counsel for the petitioners would further submit that after declaration of the petitioners as the legal heirs of the deceased Venkidasamy, they can receive the death cum monetary benefits of the deceased Venkidasamy. It is further submitted that the first petitioner is aged about 58 years and so far, they have not received any single paise towards the death cum monetary benefits of the deceased Venkidasamy.

6. It is also submitted that the third respondent/third defendant with sole intention to harass the petitioners is dragging on the proceedings. The Trial Court without considering the above facts is adjourning the suit without any reasons. Therefore, the petitioners were constrained to file this Civil Revision Petition for early disposal of the suit.

7. Considering the above facts and circumstances of the case, the learned District Munsif, Periyakulam is directed to expedite the trial and dispose the suit in O.S.No.92 of 2021, without giving any unnecessary adjournments,



C.R.P.(MD) No.2397 of 2023

expeditiously, within a period of three months from the date of receipt of a
copy of this order.

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

26.09.2023

Internet : Yes/No
NCC : Yes/No
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To

The District Munsif,
Periyakulam.



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C.R.P.(MD) No.2397 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

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C.R.P.(MD) No.2397 of 2023

26.09.2023