



C.R.P.(MD) No.2333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

CORAM

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

C.R.P.(MD) No.2333 of 2023

1.P.Ravikumar

2.Rajinikanth

3.Sivabharathi

... Petitioners

Vs.

1.K.Palanisamy

2.K.Karumanan

3.Lakshmi

4.R.Kalavathi

5.S.Arasan

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Principal Subordinate Judge, Karur, to expedite the trial in O.S.No.297 of 2020 on its file, within a time frame as may be fixed by this Court.

For Petitioners : Mr.L.Prabakaran



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ORDER

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This Civil Revision Petition has been filed by the petitioners for speedy disposal of the suit in O.S.No.297 of 2020 on the file of the Principal Subordinate Court, Karur.

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

3. The above suit in O.S.No.297 of 2020 was filed by the first and second respondents/plaintiffs as against the petitioners/fourth to sixth defendants and the third to fifth respondents/first to third defendants for the relief of partition and for declaration of Sale Deed dated 05.03.2020 executed by the third to fifth respondents/first to third defendants in favour of the petitioners/fourth to sixth defendants as null and void.

4. It is submitted that the petitioners/fourth to sixth defendants as well as other defendants who are the third to fifth respondents herein filed their Written Statements. However, the Trial Court is periodically granting adjournments at request of the first and second respondents/plaintiffs. It is



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submitted that the suit is of the year 2020, but, the trial has not been commenced so far.

5. It is further submitted that the Trial Court ought to have seen that the first and second respondents/plaintiffs having admitted the share over the suit schedule property have estopped from being entitled for a declaration relief and the Trial Court failed to note the fact that the denial of an oral agreement between the parties after a lapse of decades and not a party to the document is nothing but fatal to the case of the plaintiffs.

6. It is submitted that the Trial Court failed to appreciate the decisions of this Court and the Hon'ble Supreme Courts with regard to the speedy disposal of the case and getting speedy justice is a fundamental right of the petitioners guaranteed under Article 21 of the Constitution of India. Therefore, the Trial Court ought to have dispose of the suit as more than 3 years have elapsed from the date of institution of the suit. Therefore, the petitioners were constrained to approach this Court for speedy disposal of the suit.

7. Considering the above facts and circumstances of the case, the learned Principal Subordinate Judge, Karur is directed to dispose the suit in O.S.No.



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297 of 2020 on its file, on merits, without giving any unnecessary adjournments, expeditiously, within a period of six months from the date of receipt of a copy of this order.

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

15.09.2023

Internet : Yes/No

NCC : Yes/No

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To

The Principal Subordinate Judge
Karur.



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K.GOVINDARAJAN THILAKAVADI, J.

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