



C.R.P.(MD)No.2587 of 2023

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DATED: 09.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2587 of 2023

Masilamony

... Petitioner/
Appellant/
Plaintiff

Vs.

1. Nagamony
2. Paulraj
3. Kumaradhas
4. Athimoolai Ammancoil,
represented by its President Uthamankutty
5. Nelson
6. Sarojam
7. Vijayakumari
8. Vijila
9. Abish (Minor)



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10. Anusha (Minor)

... Respondents/
Respondents/
Defendants 1to10

(Minor respondents 9 and 10 are represented by their mother and natural guardian the 7th respondent)

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional District Court, Kuzhithurai, Kanyakumari District to dispose the appeal in A.S.No.4 of 2020 within time framed by this Court.

For Petitioner : Mr.S.Louis

ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the appeal in A.S.No.4 of 2020, pending on the file of the Additional District Court, Kuzhithurai, Kanyakumari District, within a specified time fixed by this Court.

2. I have heard the learned counsel appearing for the revision petitioner. Since the revision petition is filed for early disposal of the case, the issuance of notice to the respondents is not necessary.

3. The revision petitioner along with his brothers have filed a suit in O.S.No.300 of 2005 against the respondents and the same was ordered to



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be dismissed on 19.01.2018 and as against the said dismissal, the revision petitioner along with his brothers have filed an appeal in A.S.No.4 of 2020 and the same is pending till now without any progress.

4. The learned counsel appearing for the revision petitioner would submit that the respondents are attempting to drag on the proceedings, that the revision petitioner, who is the second appellant, is a senior citizen and other appellants are also senior citizens, and that therefore, the hearing of the appeal has to be expedited.

5. The fact remains that the appeal was filed in the year 2020. The High Court has already issued circulars to the District Judiciary, directing the Courts to give priority for the cases relating to Senior Citizens, HIV affected persons, Defence Personnel, Women and Children, more than 5 year old cases etc., It is to be noted that the revision petitioner without approaching the trial Court, has directly come forward with the present Revision Petition before this Court, seeking early disposal. In the absence of total pendency particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case



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within a specified period of time. Generally, the trial Court is required to give priority to the cases, as per the circulars of this Court.

6. As rightly pointed out by the learned counsel appearing for the revision petitioner, the revision petitioner is a senior citizen. In view of the above, the revision petitioner is at liberty to approach the appellate Court and if such requisition for speedy disposal is made, the appellate Court is required to consider the urgency for early hearing, in the light of the circulars issued by this Court and on the ground of senior citizenship.

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

09.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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- 1.The Additional District Court,
Kuzhithurai,
Kanyakumari District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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