



WEB COPY

C.R.P(MD)No.2458 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2458 of 2023

C.Mary

... Petitioner/1st Respondent/

1st Respondent

Vs.

1.G.A.Gananmuthu

2.G.A.Jesuraj

3.A.Packiam

4.Arulmary

5.Jermanraj

6.Stephen

7.Maria Fathima Jeyanthi

8.Maria Johnsy Rani

... Respondents/Petitioners/

Appellants

Civil Revision Petition is filed under Section 227 of Constitution of India, to direct the learned Principal Sub Judge, Dindigul District to dispose of the I.A.No.233 of 2018 in A.S.No.191 of 2018 pending on its file, within a time stipulated by this Court.

For Petitioner

:Mr.G.Sakthi Rao



ORDER

The Civil Revision Petition is filed for a direction to direct the learned Principal Sub Judge, Dindigul District, to dispose of the I.A.No.233 of 2018 in A.S.No.191 of 2018 pending on its file, within a time stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and also perused the materials available on record.

3.According to the petitioner/plaintiff, she has filed a suit in O.S.No. 21 of 2013 before the District Munsif Court, Nilakottai, for partition. The said suit was decreed on 28.09.2018. Therefore, the respondents/defendants filed an appeal suit in A.S.No.191 of 2018 before the Principal Sub Court, Dindigul and the same is pending. The respondents/defendants started construction works in the suit properties in order to grab the entire property. During the pendency of the said appeal suit, the respondents/defendants filed an application in I.A.No.233 of 2018 before the Sub-Court, Dindigul, for temporary injunction and the same is pending for taking steps. In the said I.A, notice was ordered and adjourned to 19.09.2023. Taking advantage of the pending proceedings, the respondents are trying to complete their construction works. Hence, the present petition is filed.



4.The learned counsel for the petitioner submitted that the suit was filed in the year 2013 and the same is pending for more than a decade and the said I.A was filed in the year 2018 and the same is pending for more than 5 years. The respondents in order to prolong the trial, sought for repeated adjournments, without any valid reason. Hence, he prayed for speedy disposal.

5.Considering the facts and circumstances of the case, this Court directs the learned Principal Sub Judge, Dindigul District, to dispose the I.A.No.233 of 2018 in A.S.No.191 of 2018 on merits and in accordance with law, without giving unnecessary adjournment, after affording opportunity to the respective parties to put forth their contentions, as early as possible, within a period of one month from the date of receipt of a copy of this order. After disposing the I.A.No.233 of 2018, the trial Court is directed to dispose the appeal suit in A.S.No.191 of 2018 on merits and in accordance with law, within a period of six months.

6.With the above direction, this Civil Revision Petition is disposed of.

No costs.

29.09.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No



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K.GOVINDARAJAN THILAKAVADI, J.

Ns

To

1. The learned Principal Sub Judge,
Dindigul District.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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