



C.R.P.(MD)No.2566 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2566 of 2023

Samraj

... Petitioner/
Plaintiff

Vs.

1. Moni

2. Dennis

3. Rev.Edwin Jayakumar

4. The Bishop,
C.S.I. Kanyakumari Diocese,
Office at 71A, Dennis Street,
Nagercoil Post,
Kanyakumari District.

... Respondents/
Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Additional District Judge of Kuzhithurai to finally hear and dispose of O.S.No.262 of 2022 on his file within a time to be fixed by this Court.

For Petitioner : Mr.K.N.Thambi



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ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the suit in O.S.No.262 of 2022, pending on the file of the Additional District Court, Kuzhithurai, 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 as plaintiff has filed the suit in O.S.No. 262 of 2022 for damages of Rs.20 lakhs to be realized from the defendants therein and their assets jointly and severally and for cost to be realized from the contesting defendants and their assets.

4. The learned counsel appearing for the revision petitioner would submit that though the suit was posted to 12.03.2023, 18.07.2023 and 04.09.2023 for framing of issues, no issues have been framed so far, that



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the revision petitioner is a senior citizen aged about 68 years, that if the suit is not finally heard and disposed of in a short time, the revision petitioner may not be able to see the culmination of the same and reap its fruits and that therefore, the trial has to be expedited.

5. The fact remains that the suit was filed only in the year 2022. 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 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



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above, the revision petitioner is at liberty to approach the trial Court and if such requisition for speedy disposal is made, the trial Court is required to consider the urgency for early trial, 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.

06.10.2023

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

To

1. The Additional District Court,
Kuzhithurai.
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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