



C.R.P.(MD)No.2567 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2567 of 2023

1.M.Ramya

2.P.Thirugnanam : Petitioners/Defendants 1 and 2

Vs.

1.M.Priya : 1st Respondent/ Plaintiff

2.The City Union Bank.
Represented by its Branch Manager,
11th Cross, Thillai Nagar,
Tiruchirappalli – 620 018.

3.The Indian Overseas Bank,
Represented by its Branch Manager,
11th Cross, Thillai Nagar,
Tiruchirappalli – 620 018. : Respondents 2 & 3/
Defendant 3 & 4

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the III Additional District Court, Tiruchirappalli to dispose of the suit in O.S.No.230 of 2022 within a time limit that may be fixed by this Court.

For Petitioner : Mr.Shangar Murali



C.R.P.(MD)No.2567 of 2023

ORDER

WEB COPY

The Civil Revision Petition has been filed seeking a direction to dispose of the suit in O.S.No.230 of 2022, pending on the file of the III Additional District Court, Tiruchirappalli, within a specified time fixed by this Court.

2. Since the revision petition is filed for early disposal of the case, the issuance of notice to the private respondents is not necessary.

3. Heard the learned counsel appearing for the revision petitioner and also perused the records.

4. The learned counsel for the petitioner would submit that the first respondent/plaintiff has filed the suit in O.S.No.230 of 2022, for partition and separate possession of plaintiff's $\frac{1}{2}$ share in the suit properties with reference to good and bad quality; for declaration that the settlement deed, dated 27.10.2021 registered as Doc.No.8757/2021 in the office of Woraiyur SRO purported to have been executed by Jayanthi in favour of Muthukumarasamy is not valid, unenforceable and brought out at the instance of defendants 1 and 2 and other reliefs.



C.R.P.(MD)No.2567 of 2023

WEB COPY

5.The learned counsel for the petitioner would further submit that the petitioner's father has executed a notarised Will, dated 05.05.2022 in his favour and the first respondent; that the Will was drafted by their father's family Advocate Mr.R.Sekhar, practicing in Mayiladudhurai Bar Association; that the petitioner has been relying upon the Will executed by his father in his favour and in favour of the first respondent and that in order to prove the said Will, it has become just and necessary to examine the said Advocate Sekar and the attestors of the Will. He would further submit that the attestors are aged persons and are affected by ailments and hence, they have to be examined at the earliest and for that purpose, the trial has to be expedited.

6.The fact remains that the suit was filed 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



C.R.P.(MD)No.2567 of 2023

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.

7. In view of the 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. The petitioner is also at liberty to file an application before the trial Court for examining the attestors on the medical ground.

8. 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
das



WEB COPY



C.R.P.(MD)No.2567 of 2023

To

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



WEB COPY



C.R.P.(MD)No.2567 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2567 of 2023

Dated : 06.10.2023