



C.R.P(MD)No.2734 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

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1. G.Kiragamani
 2. G.Kiruba Chandra
 3. A.Perinba Selvaraj
 4. P.James Stephan Ilango
 5. P.Selvaraj
 6. P.Chandra Manonmani
 7. P.Suriya
 8. P.Amirtharajan
- ...Petitioners/Plaintiffs

Vs.

1. P.T.Ponnaiah
2. Jayalakshmi



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3. M.Kavitha

4. Karthika

5. V.Usharani

6. The Tahsildar,
Taluk Office,
Sivakasi,
Virudhunagar District.

7. The District Collector,
District Collector Office,
Virudhunagar.

..Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Sivakasi, to dispose the suit in O.S.No.25 of 2022 within a time stipulated by this Court.

For Petitioners : Mr. C.Jeyaprakash



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ORDER

This Civil Revision Petition is filed seeking a direction to the learned Subordinate Judge, Subordinate Court, Sivakasi, to dispose of the Suit in O.S.No.25 of 2022 within a time frame in the interest of justice.

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

3. The petitioners are the plaintiffs and the respondents are defendants in the suit in O.S.No.25 of 2022 on the file of the Subordinate Court, Sivakasi, filed for the relief of declaration and injunction.

4. The learned counsel for the petitioners submit that on behalf of the respondents appearance is made through counsel and they are contesting the suit by filing their written statement. The



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defendants 1 to 3 are set *ex parte* for non-filing of written statement in time. Thereafter, they filed an application to set aside the *ex parte* order and drag the matter unnecessarily. Subsequently, the suit is adjourned for framing of issues and for conducting trial. The learned counsel would submit that since the petitioners are senior citizens and suffering from health ailment, they made several request for conducting the trial at an early date, but it was not considered. Considering the same, appropriate orders may be passed directing the learned Subordinate Judge, Subordinate Court, Sivakasi, to dispose of the suit at an early date.

5. Considering the relief sought in this Civil Revision Petition and in view of the order going to be passed by this Court which will not prejudice any rights of the respondents, this Court intends to dispose of the Civil Revision Petition at the admission stage by dispensing with the notice to the respondents, in the interest of justice.



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6. Having heard the learned counsel for the petitioners and on careful perusal of the material available on record, it appears that out of the eight petitioners/plaintiffs except two, remaining six plaintiffs are senior citizens. The petitioner No.1 is aged about 75 years, the petitioner No.3 is aged about 82 years, the petitioner No.5 is aged about 78 years, the petitioner No.6 is aged about 75 years, the petitioner No.7 is aged about 70 years and the petitioner No.8 is aged about 68 years.

7. In view of the age of the petitioners/plaintiffs and to enable them to get the fruits of justice in their life time, in the considered opinion of this Court, it is appropriate to direct the learned Subordinate Judge, Subordinate Court, Sivakasi, to dispose of the suit in O.S.No.25 of 2022 on its file, within a time frame, in the interest of justice.

8. Accordingly, this Civil Revision Petition is disposed of with a direction to the learned Subordinate Judge, Subordinate



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Court, Sivakasi, to dispose of the suit in O.S.No.25 of 2022 on its file, as expeditiously as possible, preferably, not beyond the period of six months from the date of receipt of a copy of this order.

9. No costs.

20.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM

To

1. The Subordinate Judge,
Subordinate Court,
Sivakasi,
2. The Tahsildar,
Taluk Office,
Sivakasi,
Virudhunagar District.
3. The District Collector,
District Collector Office,
Virudhunagar.



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BATTU DEVANAND, J.

RM

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