



C.R.P.(MD)No.2879 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(PD)(MD)No.2879 of 2023

P.Asal Raj : Petitioner/Appellant No.3

Vs.

1.P.Palanisamy (died) : 1st Respondent/1st Respondent

P.Subbiah (died) :2nd Respondent

2.P.Ramasamy (died)

3.P.Ganapathy Gounder

4.P.Chittammal (died)

5.P.Vellaithai

6.K.Chinnathai

7.Nehruman

8.Kandasamy (died)

9.Ramuthai : Respondents 2 to 9/Respondents 3 to 10

10.P.Gnanavel

11.P.Samivel



C.R.P.(MD)No.2879 of 2023

12.P.Ramar

13.P.Lakshmanan

14.R.Dhanushkodi : Respondents 10 to 14/
Appellants 1,2,4 to 6

(Notice may be dispense with for respondents 10 to 14)

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Theni to dispose the appeal suit in A.S.No.46 of 2008 within a time frame as fixed by this Court.

For Petitioner : Mr.N.Sekar

ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the appeal suit in A.S.No.46 of 2008, pending on the file of the learned Subordinate Judge, Theni, within a specified time fixed by this Court.

2. When the matter was taken up for hearing 06.11.2023, considering the submission made by the learned counsel for the revision



C.R.P.(MD)No.2879 of 2023

petitioner that though the appeal was filed in 2003 before the Sub Court, Periyakulam and subsequently, the same was transferred to the Sub Court, Theni in 2008, the appeal is pending for awaiting records, directed the Registry to call for a report from the concerned Principal District Judge.

3. In pursuance of the same, the learned Principal District Judge, Theni, has submitted a report, dated 10.11.2023 stating that the appeal was filed at Sub Court, Periyakulam in A.S.No.83 of 2005, challenging the judgment and decree passed in O.S.No.59 of 2000 on the file of the District Munsif Court, Aundipatty and thereafter, the appeal was transferred to the Sub Court, Theni and the same is pending in A.S.No.46 of 2008; that after passing of orders in I.A.No.132 of 2006, 6 of 2008 and 149 of 2009 (steps petition and consequential amendment petitions); the trial Court records were called for from the District Court; that the Sub Court, Theni has reported that the trial Court records were not received, after sending so may remainders to the District Munsif Court, Aundipatty, that the documents were received only on 30.10.2023 and it was also reported that the document in Ex.B.39 was found missing; that directions were issued to both the learned District Munsif and the learned Sub Judge,



C.R.P.(MD)No.2879 of 2023

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Theni to take necessary steps to find out the missing documents or to re-construct the same to dispose of the case at the earliest.

4. Since the appeal is pending from 2005 onwards, the learned Subordinate Judge, Theni is hereby directed to take necessary steps to re-construct the document, if not traced out within one month from the date of receipt of copy of this order, proceed to hear the appeal and dispose of the same within a period of three months thereafter.

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

15.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The Subordinate Judge, Theni.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P.(MD)No.2879 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(PD)(MD)No.2879 of 2023

Dated : 15.11.2023