



C.R.P.(MD)No.3005 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3005 of 2023

Pulugayeeammal

... Petitioner

Vs.

P.Bhoopathi (died)

1. Ponnudurai
2. Chinna Bhoopathi
3. B.Arumaithai
4. B.Thirupathi
5. Thirunirai Selvan
6. Sanmugathai

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Court of Subordinate Judge, Sivakasi, Virudhunagar District to dispose the case in I.A.No.17 of 2020 in O.S.No. 59 of 2010 within the stipulated time.

For Petitioner : Mr.M.Jothi Basu



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ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the application in I.A.No.17 of 2020 in O.S.No.59 of 2010, pending on the file of the Subordinate Court, Sivakasi, Virudhunagar District, within a period stipulated by this Court.

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

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner has filed a suit in O.S.No.17 of 2005 for partition before the District Court, Virudhunagar at Srivilliputtur and that thereafter, the case was transferred to the Subordinate Court, Sivakasi and was renumbered as O.S.No.59 of 2010 and when the suit was pending for trial, due to the absence of the revision petitioner, the same was ordered to be dismissed for default on 05.04.2011.

4. It is further evident that the revision petitioner has filed an application in I.A.No.7 of 2012 to restore the suit along with the application to condone the delay in filing the restoration application and



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that the same was ordered to be dismissed on 09.04.2012 and against the dismissal order, the revision petitioner has preferred a revision in C.R.P. (MD)No.2342 of 2012 before this Court and this Court, vide order dated 22.11.2019, has allowed the revision and thereby setting aside the order passed in I.A.No.7 of 2012 and further directed the trial Court to dispose of the same within a period of three months from the date of receipt of copy of that order.

5. The learned counsel appearing for the revision petitioner would submit that the trial Court has taken the application on file filed under Order 9 Rule 9 C.P.C. in I.A.No.17 of 2020 and the same is pending for the past three years.

6. Considering the above and also the fact that the suit is of the year 2005 and the restoration application is pending for the past three years, the learned Subordinate Judge, Sivakasi, is hereby directed to conduct an enquiry in I.A.No.17 of 2020 in O.S.No.59 of 2010 and dispose of the same within a period of one month from the date of receipt of a copy of this order.



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

of. No costs.

17.11.2023

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

To

1. The Subordinate Court,
Sivakasi.
- 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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