



C.R.P.(MD)No.3323 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3323 of 2023

R.M.Subramanian

... Petitioner

Vs.

1. C.Jambulingam
2. C.Rajasekaran
3. Arun
4. Amudha
5. C.Ilengo
6. S.P.Udayappan
represented by his power agent
R.M.Subramanian
7. S.P.R.Valliammai

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records for disposal of the original suit in O.S.No.271 of 2016 on the file of the District Munsif Court, Melur as early as possible and allow the Civil Revision Petition as prayed for.

For Petitioner : M/s.V.Muthumani

ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the suit in O.S.No.271 of 2016, pending on the file of the District Munsif Court, Melur, within a period stipulated by this Court.



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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 respondents 6 and 7/plaintiffs 1 and 2 and the revision petitioner/third plaintiff have filed the suit, claiming mandatory injunction and for permanent injunction and the same is pending in O.S.No.271 of 2016 on the file of the District Munsif Court, Melur.

4. The learned counsel appearing for the revision petitioner would submit that the revision petitioner/third plaintiff has earlier filed an application in I.A.No.1078 of 2016 for appointment of Advocate Commissioner and an Advocate Commissioner was appointed in the said application and the Advocate Commissioner, after visiting the property, has filed a report, that subsequently, the respondents 1 to 5/defendants have filed an application in I.A.No.1 of 2019 for re-issuance of commission and the same is pending, that the revision petitioner/third plaintiff has filed an application in I.A.No.2 of 2021 seeking amendments and the same is also pending, that the application for re-issuance of commission is pending for the past four years and the amendment



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application is pending for the past two years and that the suit is being adjourned again and again.

5. Considering the facts that the suit is pending from 2016 onwards and that the interlocutory application in I.A.No.1 of 2019 for re-issuance of commission is pending for the past more than four years and the petition in I.A.No.2 of 2021 is pending for the past two years, the learned District Munsif, Melur, is hereby directed to conduct enquiry in I.A.No.1 of 2019 and I.A.No.2 of 2021 and dispose of the same within a period of one (1) month from the date of receipt of copy of this order and further directed to proceed with the trial in O.S.No.271 of 2016 and dispose of the same within a period of five (5) months thereafter.

6. With the above directions, this Civil Revision Petition is disposed of. No costs.

19.12.2023

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



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K.MURALI SHANKAR,J.

csn

To

1. The District Munsif Court,
Melur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.3323 of 2023

Dated : 19.12.2023