



C.R.P.No.1764 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

**C.R.P.No.1764 of 2024**

N.Kannammal

... Petitioner

Vs.

Annakodi

... Respondent

**PRAYER:** Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the learned I Additional District Judge, Erode to dispose suit in O.S.No.7 of 2020 on the file of I Additional District Judge, Erode within a stipulated time.

For Petitioner : Ms.R.Pandimeena

**ORDER**

This revision has been filed seeking to direct the learned I Additional District Judge, Erode to dispose of the suit in O.S.No.7 of 2020 within a stipulated time.



C.R.P.No.1764 of 2024

WEB COPY

2.The petitioner as plaintiff has filed a suit against the respondent seeking permanent injunction restraining the respondent in any manner encumbering or alienating the suit property.

3.The contention of the learned counsel for petitioner is that the petitioner and respondent are sisters. The petitioner, at the age of 17 years, was given in marriage to one Subramaniam, who died seven months after the marriage. At that time, the petitioner was four months pregnant. Due to the unfortunate death of the petitioner's husband, she moved back to her parents' house and was living there. She studied up to 8<sup>th</sup> standard and hence, she has got limited knowledge. She became a widow with a child at young age and she was under severe mental trauma and depression. During that time, the respondent and her husband, namely, Thangarasu were also living in the petitioner's parents' house. The said Thangarasu taking advantage of the petitioner's mental state and dependent condition, had dominance over her.

The respondent also supported the said Thangarasu. During December, 2017,



C.R.P.No.1764 of 2024

the petitioner was forced out from her parents' house and thereafter by threat and coercion, her signature was obtained forcibly and thereafter it was projected as though it is a settlement deed. Using the same, the petitioner is being denied of her shelter and she has been chased away from her parents' house.

4.This being so, one Nallasivam, who is the confidential person of the petitioner's father Nachimuthu, gave shelter to the petitioner and she is now surviving. She is permitted to live in the present address. Thereafter, the petitioner for shelter visited her parental house and she was chased away. She lodged a police complaint and to officials to cancel the document dated 02.03.2017. Thereafter, she caused legal notice on 13.11.2019 and filed the present suit. In the suit, the respondent initially on 26.02.2020, took time to file written statement. Thereafter, it was periodically adjourned for filing written statement and till date no written statement filed, despite several adjournments and recordings made as 'No further adjournment'. The



C.R.P.No.1764 of 2024

WEB COPY

petitioner also filed an injunction petition in I.A.No.2 of 2020, which is also periodically adjourned. Now the case is posted to first week of June, 2024 and for the past four years there is no progress.

5.Finding that the petitioner being a widow lady, who was traumatized, exploited and chased away from her parental home, having no place for shelter, filed the above suit. The Trial Court giving adjournments, mechanically and periodically is against the procedure contemplated under law. This Court as well as the Apex Court in several judgments have reiterated the same. Finding unnecessary long adjournments given without valid reason, this Court directs the trial Court (I Additional District Judge, Erode) to take effective steps, ensure that trial is not further protracted and prolonged, and to conclude the trial without further delay. The trial Court can pass appropriate orders in the event of respondent not cooperating with the trial. In any event, the trial to be concluded within a period of six months from the date of receipt of a copy of this order.



C.R.P.No.1764 of 2024

WEB COPY

6. With the above directions, this Civil Revision Petition is disposed

of. No costs.

26.04.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

rsi

**Note: Issue order copy on 30.04.2024**

To

The I Additional District Judge,  
Erode.



WEB COPY



C.R.P.No.1764 of 2024

**M.NIRMAL KUMAR, J.**

rsi

**C.R.P.No.1764 of 2024**

**26.04.2024**