



Crp No.605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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C.Periyasami

... Petitioner

Vs.

1. Anbumani
2. Pappayee
3. Ponnusamy
4. Palaniappan
5. Palaniandi Gounder
6. Kandasamy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned District Munsif, Paramathi, Namakkal to dispose the application in I.A.No.5/2019 in O.S.No.1/2019 within a time frame, as fixed by this court.

For Petitioner : Mr.S.Sankar

ORDER

This Civil Revision Petition has been filed to direct the learned District Munsif, Paramathi, Namakkal to dispose the application in I.A.No.5/2019 in O.S.No.1/2019, within a time frame, as fixed by this court.

2. The petitioner herein is the plaintiff and the respondents herein are



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the defendants in the above said suit, which was filed for partition of the suit property. At the time of filing the suit, the petitioner has filed I.A.No.3/2019, wherein, interim injunction was granted, restraining the defendants from interfering with the possession of the petitioner/plaintiff in 'P1' schedule in the suit property. Subsequently, the petitioner/plaintiff filed I.A.No.5/2019 to arrest the respondents and to detain them in a civil prison, as they are interfering with his possession of the above said property. However, the above application is still pending for more than 5 years, without any progress and hence, this civil revision petition has been filed.

3. The learned counsel for the petitioner submitted that, when the interim injunction passed against the respondents and is in operation, they had prevented the petitioner from cultivating his lands and attacked him with stone. In this regard FIR in Crime No.140/2019 was registered against them under Sections 294(b), 324, 427 of IPC. Even thereafter, the respondents had prevented the petitioner from cultivating his land and hence, the above petition in I.A.No.5/2019 was filed. But, till date, the respondents had not filed their counter and the application is pending for counter and enquiry. Therefore, appropriate direction may be issued to dispose the above application, within a time frame, as fixed by this court.

4. At this juncture, it is worthwhile to note that the ***Hon'ble Supreme***



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Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra has dismissed the writ petition, by observing as follows.

“ We are of the view that since every High Court and every Court in the country has a huge pendency, the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case, before any court, unless the situation is extra ordinary.”

5. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the cases in the above Court is 165.

6. The status of the case shows that, the main suit is pending for framing issues and the I.A.No.5/2019 is pending from the year 2019, without any progress.

7. Considering the pendency of the cases and also taking note of the fact that the above I.A.No.5/2019 is pending from the year 2019 for more than five years, the learned District Munsif, Paramathi, Namakkal District is directed to dispose of the I.A.No.5/2019 in O.S.No.1/2019, ***within two months from the date of receipt of a copy of this order.***



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8. With the above direction, the Civil Revision Petition is disposed of.

No costs.

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Index:Yes/No
Internet:Yes/No
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To

The District Munsif, Paramathi, Namakkal District.



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V.SIVAGNANAM, J.

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