



C.R.P.No.1593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1593 of 2024

M.Subramani

... Petitioner

Vs

S.Indrakumar

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying for direction to direct the learned District Munsif cum Judicial Magistrate, Madhavaram, to dispose of the O.S.No.75 of 2022, within a time as may be fixed by this Court within such a period.

For Petitioner : Mr.M.Saravanan

For Respondent : No Appearance

ORDER

The petitioner/defendant in O.S.No.75 of 2022 filed this Civil Revision Petition seeking a direction to the Learned District Munsif

Page No: 1/6



C.R.P.No.1593 of 2024

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cum Judicial Magistrate, Madhavaram to hear and dispose of O.S.No.75 of 2022, in time bound manner.

2. The respondent/plaintiff is none other than the petitioner's elder son. Though notice has been served on the respondent, none appeared for the respondent either in person nor through counsel. Since this Civil Revision Petition is filed only for speedy disposal of the Suit, this Court is inclined to proceed with the matter to pass further order.

3. The contention of the petitioner is that the Petitioner has two sons and one daughter and the respondent is the eldest son of the petitioner. He would submit that the petitioner out of love and affection settled the property in favour of the respondent/elder son by way of a Settlement Deed, dated 05.09.2005 registered as document No.7263 of 2005 in S.R.O., at Sembiam. The respondent failed to take care of his sister and brother as per the undertaking and promise that he will look after entire family in future. But after execution of the Settlement Deed,

Page No: 2/6



C.R.P.No.1593 of 2024

WEB COPY

the attitude of the respondent totally changed and started to dominate the family members. Further, the respondent failed to take care of the petitioner/his father with due care not provided food to the petitioner and treated him in a cruel manner. Thereafter, on 17.09.2008, the petitioner as a Senior citizen had cancelled the settlement deed as per the provisions contemplated under Maintenance and Welfare of Parent and Senior Citizens Act, 2007.

4.Further, the learned counsel submitted that the respondent after expiry of 11 years, sent vexatious legal notice dated 25.06.2019 without mentioning the date of knowledge of the cancellation deed, which was executed with full knowledge and consent of the respondent/plaintiff. Further, the said legal notice was suitably replied by the petitioner on 26.07.2019. The learned counsel submitted that the respondent/plaintiff intentionally suppressed all these facts filed a vexatious suit as though he came to know about cancellation deed in the month of August 2022. The petitioner and his brother and sister also

Page No: 3/6



C.R.P.No.1593 of 2024

WEB COPY

informed the cancellation deed to the respondent in the year 2008 the respondent agreed to move away from the property and hand over the same to the petitioner at the earliest. After 11 years of cancellation of settlement deed, the above suit was filed. The Suit was referred to Lok Adalat for amicable settlement between the parties. But just to protract the proceedings, the respondent agreed for Lok Adalat and no settlement could be arrived. Therefore, the other legal heir of the petitioner namely another son and daughter filed Interlocutory Application in I.A.No.3 of 2023 to implead them as parties to the said Suit and the same was allowed on 19.06.2023. Thereafter, written statements filed and issues to be framed.

5. The learned counsel further submitted that the respondent/plaintiff is not willing to proceed with the trial and took adjournments from 28.10.2022 to 22.03.2024 and therefore, he submitted that the petitioner a senior citizen, aged about 82 years, is entitled to speedy disposal of the suit and prayed that this Court may be

Page No: 4/6



C.R.P.No.1593 of 2024

WEB COPY

directed the trial Court to early disposal of the above Suit.

6. Considering the submissions made by the learned counsel appearing for the petitioner and age of the petitioner as a senior citizen, it is appropriate that the Suit may be disposed early. Hence, this Court is inclined to direct the District Munsif cum Judicial Magistrate, Madhavaram, to dispose of the Suit in O.S.No.75 of 2022, within a period of four months from the date of receipt of a copy of this order.

In fine, this Civil Revision Petition is disposed of on the above terms. However, there shall be no order as to costs.

13.06.2024

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Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

Page No: 5/6



C.R.P.No.1593 of 2024

M.NIRMAL KUMAR,J.

Pbn

To

learned District Munsif cum Judicial Magistrate, Madhavaram

C.R.P.No.1593 of 2024

13.06.2024

Page No: 6/6