



C.R.P.No.1531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1531 of 2024

M.Thirunavukkarasu

... Petitioner/Defendant

Vs.

Ellammal

... Respondent/Plaintiff

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, praying to issue directions to the learned II Additional District Munsif Judge, Pondicherry to dispose of the O.S.No.2200 of 2016.

For Petitioner : Mr.AR.M.Arunachalam

ORDER

This revision petition has been filed praying to issue directions to the learned II Additional District Munsif Judge, Pondicherry to dispose of the suit in O.S.No.2200 of 2016.

2. Learned counsel appearing for the petitioner would submit that the petitioner is the owner of the suit schedule mentioned property measuring



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to an extent of 1800 Sq.ft. situated at Saram Revenue Village, Oulgarpet Sub Registration District, Pondicherry. The respondent/plaintiff lays her claim on the strength of the sale deed dated 01.02.2010 in her favour and filed a suit in O.S.No.2200 of 2016. According to the respondent, the property originally belongs to one Kalimuthu and the said Kalimuthu executed a Will dated 25.02.1983 favouring his daughter Vasantha and after his life time, the said Vasantha executed a Power of Attorney dated 10.11.2005 in favour of Kannan and later, the said Kannan had executed a sale deed dated 02.05.2006 favouring Puvaneshwari, who in turn sold the property to Bama Parameswari under a sale deed dated 29.03.2007. It is her further case that on 12.09.2016, when she tried to improve the property, the petitioner/defendant disturbed her possession and improvement over the property, resulting in filing of the suit for permanent injunction.

3. The learned counsel further submitted that his title over the subject lands were confirmed by the judgment of the learned Additional Sub Judge, Pondicherry in O.S.No.186 of 2007 vide order dated 06.03.2013. In



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the said suit, the petitioner herein is the plaintiff and the respondents/defendants are Bama Parameswari, Bhuvaneswari, Vasantha, Kannan along with official defendants. The said judgment has attained finality and no appeal filed. The petitioner/plaintiff claims right and title over the property based on the sale deed executed by Bama Parameswari on 01.02.2010 and the Court below decreed the suit and declared that the plaintiff is the absolute owner of the suit property and the sale deed dated 02.05.2006 and 29.03.2007 vide Document No.2829/2006 and 2273/2007 registered in the office of the Sub Registrar, Oulgaret, Pondicherry are declared as null and void.

4. In view of the aforesaid judgment, nothing survives for further adjudication about the title over the suit schedule property. Be that as it may, the respondent herein had filed a suit in O.S.No.2200 of 2016 and the same is pending at trial stage and P.W.1 was examined and marked documents viz., Ex.P1 to P5. Therefore, for marking the documents and cross examination, the case has been periodically adjourned. In the meanwhile, the respondent



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herein had filed applications in I.A.Nos.6,7 of 2024 for marking additional documents and to summon the witnesses, the same was dismissed, whereas, I.A.No.5 of 2024, which was filed to reopen the documents was allowed and the case was posted for appearance of P.W.1 on 09.07.2024.

5. Learned counsel for the petitioner had produced the adjudication by the status of E-Court and submitted that the case had been initially posted for trial in the year 2018. Thereafter, it has been adjourned periodically for the appearance of the respondent/plaintiff. On 18.07.2022, it has been specifically adjourned stating that plaintiff called absent and no further adjournment will be granted. Thereafter, on 08.11.2022, amendment petition was allowed and amended plaint copy was filed on 09.01.2023. Now the case is pending for the appearance of P.W.1 and to mark additional documents through her. Since the respondent/plaintiff is protracting the trial, the petitioner approached this Court with the present petition for speedy disposal of the suit.



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6. This Court gave its anxious consideration to the submission advanced by the learned counsel for the petitioner and perused the materials available on record.

7. A perusal of the documents would go to show that the petitioner's title over the subject property was confirmed by the judgment passed by the learned Additional Sub Judge, Pondicherry in O.S.No.186 of 2007 vide order dated 06.03.2013 and the same had attained finality and no appeal filed till date. No doubt, in the said suit, the respondent herein is not a party and now she has filed the suit in O.S.No.2200 of 2016 claiming that she is the absolute owner of the suit schedule mentioned property by virtue of sale deed dated 01.02.2010 is untenable. Now the case is at advanced stage and pending for trial.

8. In such view of the matter, this Court directs the learned II Additional District Munsif, Pondicherry to complete the proceedings in O.S.No.2200 of 2016 and to dispose of the suit within a period of three(3) months from the date of receipt of a copy of this order.



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9. With the above directions, the Civil Revision Petition is disposed

of. No costs.

05.07.2024

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

msv

To

The II Additional District

Munsif Judge, Pondicherry



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M.NIRMAL KUMAR, J.

msv

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