



C.R.P.No.1993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1993 of 2024

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... Petitioner

Vs.

1.Annasandiram Primary Agricultural Co-op Bank,
by its Secretary, R.Sridhar,
Shoolagiri Village, Hosur Taluk,
Krishnagiri District – 635117.

2.Haneef,
S/o.Kadher Sahib,
Shoolagiri Village, Hosur Taluk,
Krishnagiri District – 635117.

Ameerjan (Died),
S/o.Kadher Sahib.

Gulab (Died),
S/o.Kadher Sahib.

Sathar (Died),
S/o.Kadher Sahib.

3.Padmavathi,
W/o.Srikanta Guptha,
Shoolagiri Village, Hosur Taluk,
Krishnagiri District – 635117.

... Respondents



C.R.P.No.1993 of 2024

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the District Munsif Court at Hosur, to dispose of the I.A.No.1 of 2023 in the original suit O.S.No.154 of 1996 within stipulated time period as may be fixed by this Court and thereby allow the above civil revision petition.

For Petitioner : Mr.T.Sundaravadanam

ORDER

This Civil Revision Petition filed to direct the learned District Munsif, Hosur to dispose of I.A.No.1 of 2023 in O.S.No.154 of 1996 as expeditiously as possible.

2.M/s.Annasandiram Primary Agricultural Cooperative Bank is the plaintiff and the petitioner and respondents 2 & 3 herein are defendants in the suit in O.S.No.154 of 1996.

3.Since the petitioner seeks limited relief for speedy disposal, this Court dispensed notice to the respondents herein.



C.R.P.No.1993 of 2024

4.The learned counsel for the petitioner submitted that the 1st respondent herein viz., M/s.Annasandiram Primary Agricultural Cooperative Bank as plaintiff filed suit for declaration in O.S.No.154 of 1996 seeking entitlement of property as shown in the rough plan with a direction to deliver vacant possession of the suit property and injunction. Initially, Mr.C.Govindarajan, the then Secretary representing the Cooperative Bank filed the above said suit and thereafter the Cooperative Bank was represented by one Arunachalam. The present Secretary is Mr.R.Sridhar joined the Cooperative Bank on 10.04.2023. The said Mr.R.Sridhar was set exparte. He claimed that his erstwhile Secretary Mr.C.Govindarajan filed the suit but not pursued the suit and he suspended on 07.06.2022 and thereafter, Mr.C.Natarajan was incharge Secretary of the Cooperative Bank. The plaintiff informed the trial Court that on 09.06.2023 he had to attend the review meeting held by the Joint Registrar of the Cooperative Bank, Krishnagiri. Hence, the plaintiff could not appear before the trial Court on 09.06.2023. On 09.06.2023, the learned District Munsif, Hosur dismissed the suit for default finding that despite several opportunity given no steps taken in I.A.No.6 of 2022 in O.S.No.154 of 1996 to bring legal heirs of the 4th defendant. I.A.No.1 of 2023 in O.S.No.154 of 1996 was filed to restore



C.R.P.No.1993 of 2024

the suit which was dismissed for default on 09.06.2023. Notice was issued to the defendants 1 to 6 in the suit, but it was returned for improper address and thereafter, the plaintiff was directed to furnish proper address. Thus, for one reason or other, interim applications and suit kept pending without any progress.

5.He further submitted that the trial Court periodically entertained interim applications in I.A.Nos.1, 2 & 3 of 2023 in O.S.No.154 of 1996 for restoration of main suit which was dismissed for non-prosecution on 09.06.2023. The abatement petition in I.A.No.5 of 2022 in O.S.No.154 of 1996 and I.A.No.6 of 2022 in O.S.No.154 of 1996 for bringing 4th defendant's legal heirs, are filed only to prevent the petitioner and others from developing their property. The trial Court failed to note the fact that the petitioner herein and the respondents 2 & 3 are the joint owners of the ancestral property in survey Nos.58/2A1B to the extent of 3 acres and 85 cents. From the said lands, the petitioner's grandmother donated the lands to the village cooperative bank/1st respondent herein/plaintiff. To avoid any dispute, the land was sold to the extent of 40 cents to the 1st respondent herein/plaintiff and it was recorded in the sale deed of the landed property.



The Revenue Department also scaled and fixed boundaries with the consent of all parties as early as on 15.02.1992 and patta was given to the 1st respondent/plaintiff in patta No.862 and for the petitioner and others for remaining left out property of 6.7 cents separate patta No.792 was issued. This is the bone of contention which is challenged before the trial Court.

6.It is submitted that now, the 1st respondent/plaintiff is not showing any interest in pursuing the suit and playing blame game against the erstwhile Secretary. In the process, the petitioner is unable to develop the property. In support his contention, the petitioner produced adjudication proceedings in O.S.No.154 of 1996.

7.Considering the submissions of the learned counsel for the petitioner and on perusal of the adjudication proceedings, it is seen that in this case, admittedly, the suit filed in the year 1996 and for one reason or other, it is kept pending. The primary reason for pendency appears to be the 1st respondent Cooperative Bank showing no interest in pursuing the suit. Now, the present Secretary blames estranged Secretary for not effectively prosecuting the suit. Saying so, he failed to appear before the trial Court



C.R.P.No.1993 of 2024

when he was directed, but gives an explanation that he was held up in a review meeting. Whatever may be the reason, now the interim application is pending to set aside ex parte order. Hence, this Court refrains from making any observation on it. The sum and substance is that the suit is pending from the year 1996. This Court constantly reviews five year and above old cases and gives instructions to give priority to dispose of old cases.

8.In view of the above, this Court directs the learned District Munsif, Hosur to give preference and priority to complete the suits pending from the year 1996. The learned District Munsif, Hosur is directed to proceed with the trial in O.S.No.154 of 1996 and complete the same, within a period of four months from the date of receipt of a copy of this order.

9.With the above directions, this civil revision petition stands disposed of. No costs.

04.06.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes



C.R.P.No.1993 of 2024

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To

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The District Munsif,
Hosur.



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C.R.P.No.1993 of 2024

M.NIRMAL KUMAR, J.

vv2

C.R.P.No.1993 of 2024

04.06.2024