



C.R.P.No.2715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

C.R.P.No.2715 of 2024

Dhanalakshmi .

... Petitioner

Vs.

1.C.S.Thimmaian

2.C.S.Rangasamy

3.M.Rajammal

4.M.Parameswaran

5.Minor. P.Preethika

Rep by her father M.Parameswaran

6.Subbammal

7.C.K.Nanjaiyan

8.N.Mohan Gandhi

9.Deepa

10.C.K.Rangasamy

11.Kalpana Devi

Rangammal (Died)

12.Bujjammal

V.N.Krishnasamy (Died)

13.The Tahsildar,

Mettupalayam Taluk Office,

Mettupalayam – 641 301,

Coimbatore District.



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14.Kalamani @ Mani

15.Muthuraj

16.Thangavel

17.K.Srinivasan

18.K.Paramasivam

19.S.Vijayakumari

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to pass appropriate direction directing the learned IV Additional District Judge at Coimbatore to expedite the disposal of O.S.No.365 of 2015 within the time frame.

For Petitioner : Ms.E.Yukshitha
for Mr.G.M.Gokul Ram

ORDER

The petitioner/proposed 15th defendant in O.S.No.365 of 2015 filed this petition seeking a direction to the learned IV Additional District Judge, Coimbatore to expedite the disposal of O.S.No.365 of 2015 within the time frame.

2.The contention of the learned counsel for petitioner is that the respondents 1 and 2 are plaintiffs in the above suit. The case projected by the



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respondents/plaintiffs is that the land in S.Nos.678/1, 679 and 681/2 of Chikkarampalayam village to an extent of 6.07 acres was originally belong to one Karianna Gounden and Sowndappa Gowder jointly by virtue of a Sale Deed dated 28.08.1947. The said Sowndappa Gowder married one Karumariammal, who was the daughter of one Bujingappa Gowder. Later, the said Bujingappa Gowder purchased the equal half share of right in the suit property from the said Karianna Gounden for valid consideration by Sale Deed dated 30.05.1951. As such both Bujingappa Gowder and Sowndappa Gowder jointly become the owners of suit property. Ever since the death of Karumariammal and Sowndappa Gowder, the plaintiffs are in peaceful possession and enjoyment of the suit property for very many years as full and absolute owners without any let or hindrance. During the years 1993 to 1999, they obtained loans by creating mortgage over the entire suit property in favour of one Chikkarampalayam Primary Agricultural Cooperative Bank on several occasions and got them discharged on 26.09.2006. The defendants 1 to 11 in the suit having no right of whatsoever in the suit property, also



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recognised the right, title and interest of the plaintiffs by their own conduct.

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The 12th defendant in the suit had given paper publication stating that he intends to purchase common half share of the suit property and invited objections if any from the public. There was objection shown by the plaintiffs and finally the plaintiffs filed a suit for declaration declaring that the plaintiffs 1 and 2 are the absolute owners of the suit property and for consequential mandatory injunction and further declaring the sale deed dated 21.10.2010 created in favour of the 12th defendant as null and void. Thereafter I.A.No.4 of 2024 filed by the plaintiffs for the reason that 12th defendant died intestate on 21.09.2022 leaving behind his wife, two sons and daughter as his legal heirs to succeed his estate. So they were impleaded as defendants 17 to 20 as per the order in I.A.No.2 of 2023. But the proposed parties were wrongly arrayed as defendants 14 to 17 instead of defendants 17 to 20 by oversight and without following earlier amended plaint copy filed on 29.08.2018.



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3. According to the petitioner one V.N.Krishnasamy, who was the absolute owner of the suit schedule property, purchased the same from Rajammal, Parameswaran, Minor.Preethika, C.K.Nanjaiyan, N.Mohan Gandhi, Deepa, C.K.Rangasamy and Kalpana Devi vide registered Sale Deed Doc.No.11997 of 2010 dated 21.10.2010. The said V.N.Krishnasamy obtained patta from the authorities and he was in peaceful possession and enjoyment of the same without any encumbrance. The suit in O.S.No.113 of 2011 originally filed before the District Munsif Court, Mettupalayam. Thereafter transferred to IV Additional District Court, Coimbatore, and renumbered as O.S.No.365 of 2015. The said V.N.Krishnasamy passed away on 21.09.2022, leaving behind the petitioner along with K.Srinivasan, Paramasivam and S.Vijayakumari as his legal heirs. Thus I.A.No.1 of 2023 filed and the petitioner was impleaded as 15th defendant in the suit, but the suit is still pending for more than 15 years. Hence, the present petition has been filed.



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4.The learned counsel for petitioner submitted that the trial Court failed to see that the case was numbered in the year 2007 and for more than 12 years the case is pending for one reason or other. The plaintiffs are intentionally dragging on the proceedings. The suit was adjourned from 16.04.2019 to 09.09.2019 for more than 17 hearings for evidence and thereafter, on 17.10.2019 posted for amendment and again for numerous hearings it was adjourned for evidence. Despite sufficient opportunity given to the respondents/plaintiffs and other defendants to putforth their case, they failed to appear before the Court and were purposely dragging on the case causing pain and sufferings to the petitioner. The trial Court failed to consider that the plaintiffs and other defendants, in collusion, have been wilfully dragging on the case either by absenting themselves from attending the Court or not filing petitions as directed by the trial Court. On 07.12.2019, the case was posted for filing written statement. Thereafter, numerous I.As. were wantonly filed. On 24.01.2024, the case was posted for consideration of I.A.Nos.1 and 2 of 2023 and the same was adjourned to 19.02.2024. On



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19.02.2024, again for pendency of I.A.Nos.1 and 2 of 2023, the case was adjourned to 05.04.2024. On 05.04.2024, I.A.Nos.1 and 2 of 2023 were allowed with a direction to carry out amendment and APC by 03.06.2024. On 03.06.2024, I.A.No.4 of 2024 filed under Order VI Rule 17 of C.P.C. and for notice of hearing and counter the case was adjourned to 01.07.2024. On 01.07.2024, again notice of hearing given and the case was posted to 23.08.2024. In view of the above, the petitioner seeks direction for speedy disposal of the suit.

5.Since it is only a limited prayer seeking direction to dispose of O.S.No.365 of 2015 within the stipulated period, notice to the respondents not required. Hence, notice to the respondents dispensed with.

6.Considering the submissions made and on perusal of the material, it is seen that the suit was originally filed in the year 2011, which was subsequently transferred to the file of IV Additional District Court, Coimbatore and renumbered as O.S.No.365 of 2015. From 2011, the suit was



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pending for almost 12 years and due to pendency of various I.As., now the case is posted for amendment of pleadings. At this stage, if the case proceeds, it would take another decade for the suit to reach its logical end before the trial Court. This Court finding that there were long adjournments citing the interim applications and there is no progress in the main case due to various interim applications. In view of the above, this Court directs the trial Court (IV Additional District Court, Coimbatore) to dispose of the interim applications, proceed with the suit and conclude the proceedings in O.S.No.365 of 2015 within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, this Civil Revision Petition is disposed of. No costs.

26.07.2024

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

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The IV Additional District Judge
Coimbatore.



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M.NIRMAL KUMAR, J.

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