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C.R.P.No.2818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2818 of 2024

S.Kasivisvanathan

... Petitioner

Vs.

M.Vijayragavan

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to grant an order for speedy disposal of the case in O.S.No.223 of 2017 pending on the file of learned III Additional Subordinate Judge, Coimbatore within a specific time fixed by this Court.

For Petitioner : Mr.Rajesh Kanna
for A.Parthasarathy and Associates

ORDER

This revision has been filed seeking a direction to the III Additional Subordinate Court, Coimbatore to dispose of the suit in O.S.No.223 of 2017 within a time frame.



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2.The petitioner/plaintiff filed a suit for recovery of money to the tune of Rs.7,77,750/- along with interest from the respondent/defendant. The suit was filed in the year 2017. While filing the suit, the petitioner was 68 years old and now he is aged about 75 years. Now the case is posted for defendant side evidence.

3.The learned counsel for petitioner submitted that in this case written statement filed on 20.09.2017. Thereafter, the matter was referred to mediation and was pending there from 21.11.2017 to 16.04.2019. Again it was referred to Lok Adalat on 11.07.2019 and taken up for consideration at the National Lok Adalat on 13.07.2019. Since no mediation could succeed, the case was referred back to the Court on 27.08.2019 and finally, the case was posted for trial on 02.11.2020. After five adjournments, the case was listed in the special list on 06.08.2022. On 11.10.2022, again the case was adjourned to 10.11.2022 recorded as no further adjournments. Thereafter, the petitioner filed proof affidavit on 10.11.2022 and marked Exs.A1 to A6 and



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the case was posted for cross examination of the petitioner on 18.11.2022.

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Again the case was referred to Lok Adalat. On 04.01.2023, at the request of respondent, time was granted for cross examination of petitioner. On 13.02.2023, petitioner/PW1 was cross examined and thereafter PW2 was examined on 27.02.2023 and Ex.X1 marked and on 05.06.2023, PW2 was cross examined and thereafter for further evidence on the side of the plaintiff, the case was posted on 13.07.2023. On 13.07.2023, the evidence on the side of the petitioner/plaintiff was closed and posted for defendant side evidence on 09.08.2023. Thereafter, I.A.No.2 of 2023 was filed under Order III Rule 2 of C.P.C. and citing the same, the case was periodically adjourned from 09.08.2023 to 06.01.2024. Finally, on 23.01.2024, petitioner side enquiry heard and the case was posted for defendant's side enquiry on 06.02.2024. From 23.01.2024 to till date, for almost 15 hearings and for the period of one year, the case was kept pending for defendant side evidence. The petitioner being a senior citizen wishes to see the justice in his life time, which was filed in the year 2017. Further, the petitioner is a retired person without much



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income. He depends on the outcome of the suit and realisation of the amount for his subsistence and for medical and other expenses. Hence, the above petition filed.

4.Since it is only a limited prayer seeking direction to dispose of O.S.No.223 of 2017 within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

5.Considering the submission made by the learned counsel for petitioner and on perusal of the plaint annexed in the typed set of papers and the e-Court adjudication status, it is not in dispute that the suit was filed in the year 2017. The petitioner is a senior citizen aged about 75 years. The suit is pending for defendant side evidence for more than a year without any progress.

6.In view of the same, this Court directs the trial Court (III Additional Subordinate Court, Coimbatore) to dispose of O.S.No.223 of



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2017, within a period of three months from the date of receipt of a copy of this order and report compliance to this Court.

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7.With the above directions, this Civil Revision Petition is disposed

of. No costs.

25.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

rsi

To

The III Additional Subordinate Judge,
Coimbatore.



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M.NIRMAL KUMAR, J.

rsi

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