



C.R.P(MD)No.50 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.50 of 2024

Balagan Saraswathiammal Educational Trust,
Reg.No.161/2007,
Rep. through its Trustee,
Smt.Kamala

.. Petitioner /Plaintiff

Vs.

Chandrasekaran

.. Respondent/Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Ambasamuthiram to dispose the suit now pending in O.S.No.364 of 2022 within a time as stipulated by this Court.

For Petitioner : Mr.C.Karthik

ORDER

This petition has been filed seeking a direction to the learned Subordinate Judge, Ambasamuthiram, to dispose the suit now pending in O.S.No.364 of 2022 within a time frame.



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2. The grievance of the petitioner is that the suit in O.S.No.364 of 2022 was filed by this petitioner seeking the relief of declaration and easementary right and consequential injunction restraining the respondent herein from putting up construction in the disputed property. The defendant also appeared and filed the written statement belatedly. Pending suit, the respondent started construction by obstructing the easementary rights of this petitioner. Therefore, the petitioner filed IA.No. 6 of 2023 seeking amendment of prayer to remove the construction put up by the respondent in the disputed property and another one application in IA.No.7 of 2023 seeking a direction to the respondent herein not to put up further construction in the disputed property and those petitions are kept pending without any progress.

3. No specific direction can be issued to the trial Court to expedite the trial process in O.S.No.364 of 2022 since so many cases might be pending. The case of the petitioner does not fit into any special category for issuing such a direction. On this account, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the trial Court to dispose of the IA.Nos.6 and 7 of 2023 within a time stipulated by this Court.



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4. Considering the above said limited request made by the learned counsel for the petitioner, there shall be a direction to the learned Subordinate Judge, Ambasamuthiram, to dispose the IA.Nos.6 and 7 of 2023 within a period of one month from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No Costs.

10.01.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No

PJL

To

1. The Subordinate Judge,
Ambasamuthiram.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

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