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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGOVAN

C.R.P(MD)No.40 of 2024

Karu. Malai. Kathiresan .. Petitioner /Plaintiff

Vs.

1.The District Registrar,
District Registrar Office,
Thirupathur Road,
Sivagangai Town,
Sivagangai District.

2.The Joint Sub Registrar No.II,
Joint Sub Registrar OFfice,
Melur Road,
Svagangai Town,
Sivagangai District.

3.The Tahsildar,
Tahsildar Office,
Neethipathi Rajasekaran Road,
Sivagangai Town,
Sivagangai Taluk,
Sivagangai District.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Majit Road,
Sivagangai Town,
Sivagangai Taluk,
Sivagangai District.

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5.The District Revenue Officer,
District Revenue Office,
District Collector Campus,
Sivagangai Town,
Sivagangai Taluk,
Sivagangai District.

6.The District Collector,
District Collector Office,
District Collector Campus,
Sivagangai Town,
Sivagangai Taluk,
Sivagangai District. .. Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction directing the trial Court to dispose of O.S.No.67 of 2022 pending on the file of the Sub Court, Sivagangai, within the time as stipulated by this Court.

For Petitioner : Mr.N.Tamilmani
For Respondents : Mr.A.Sivanu Pandian
Government Advocate (Civil side)

O R D E R

This petition has been filed by the petitioner seeking direction to the trial Court to dispose of the suit in O.S.No.67 of 2022 pending on the file of the Sub Court, Sivagangai, within a time frame.

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2. The petitioner originally filed a suit in O.S.No.11 of 2021 for specific performance against one S.V.Ganesan and K.Malarvizhi to execute the sale deed in respect of the suit mentioned property on receipt of the balance sale consideration. The said suit was decreed in favour of the petitioner vide judgment and order dated 04.02.2020 against which no appeal was filed by the defendants. Hence, the petitioner filed E.P.No. 4 of 2021 before the Additional District Court, Sivagangai seeking the execution of the decree wherein the above said judgment debtors appeared and filed a memo dated 15.04.2021 stating that they have no objection to execute the decree. Based upon which it was executed and sale deed was also ordered to be executed and the same get to be registered by the petitioner before the concerned authority. But the authority refused to register the same and returned the papers stating that the property is classified as Government land. Challenging the same, the petitioner approached this Court by filing WP(MD)No.18808 of 2021. This Court, by order dated 25.10.2021 granted liberty to the petitioner to challenge the order before the District Registrar, Sivagangai. The petitioner preferred appeal in A.P.No.2 of 2021 and the same dismissed. Challenging the same, he filed O.S.No.67 of 2022 before the Sub Court, Sivagangai. The same is pending. Hence, the petitioner approached this

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Court.

3.The learned counsel for the petitioner submitted that in above suit in O.S.No.67 of 2022, the defendants were set exparte on 17.11.2022 itself since the written statement was not filed. Further on the next hearing, ie., on 13.02.2023, the defendants filed I.A.No.2 of 2023 to set aside the exparte order along with written statement. The trial Court adjourned the suit from 07.10.2023 to 28.11.2023. The learned counsel for the petitioner further submitted that the petitioner is aged about 79 years and affected by old age ailment. The defendants are seeking adjournments. The trial Court without considering the facts and circumstances of the case and the age of the petitioner is granting adjournments. Hence, the petitioner could not enjoy the fruits of the decree. Therefore, he prays this Court to issue a direction to the trial Court to dispose of the suit in O.S.No.67 of 2022 within a time frame considering the age of the petitioner.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

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5. The petitioner is aged 79 years. The above said grievance of the petitioner appears to be genuine one. Considering the above said limited request made by the learned counsel for the petitioner, there shall be a direction to the learned Sub Judge, Sivagangai to dispose the suit in O.S.No.67 of 2022 within a period of five months from the date of receipt of a copy of this order. The trial Court shall follow the directions issued by this Court in R.O.C.No.3793A/2010/B5/Statistics dated 11.08.2010 wherein the trial Courts are directed to expedite the trial process in the Senior Citizens cases.

6. With the above directions, 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 Sub Judge, Sivagangai.

2.The District Registrar,
District Registrar Office,
Thirupathur Road,
Sivagangai Town,Sivagangai District.

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District Collector Campus,
Sivagangai Town, Sivagangai Taluk,
Sivagangai District.

7.The District Collector,
District Collector Office,
District Collector Campus,
Sivagangai Town, Sivagangai Taluk,
Sivagangai District.

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

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G.ILANGOVAN, J.

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