



C.R.P(MD)Nos.43 and 44 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)Nos.43 ad 44 of 2024

In CRP(MD)No.43 of 2024:

V.Saraswathi

.. Petitioner

Vs.

1.M.Kumaravel

.. 1st Respondent/Plaintiff

2.R.Ganesan

.. 2nd Respondent/1st Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction directing the learned Sub Court, Pattukottai to dispose the O.S.No.29 of 2015 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.A.Senthilkumar

In CRP(MD)No.44 of 2024:

V.Saraswathi

.. Petitioner

Vs.

1.M.Kumaravel

2.R.Ganesan



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3.Thangammal

Balu(died)

4.Jeyasubramaniyan

5.Kanthasamy

6.Sivajothy

7.Ramesh

8.Kaarthikaiveni

9.Minor Kabila

10.Minor Virutheeswaran

.. Respondents/
Defendants

[R9 and R10 minor respondents are
represented by guardian and mother R8]

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction directing the learned Sub Court, Pattukottai to dispose the O.S.No.42 of 2014 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.A.Senthilkumar

COMMON ORDER

Since the issue involved in these two petitions are one and the same, these two petitions are taken up together and dispose of by way of this common order.



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2.The first respondent initially filed a suit in O.S.No.115 of 2012 on the file of the District Munsif Court, Orathanadu, seeking permanent injunction and later, he filed another suit for partition in O.S.No.42 of 2014 on the file of the Sub Court, Pattukkottai. Further, he filed a transfer petition seeking to withdraw the suit in O.S.No.115 of 2012 and transfer the same from the District Munsif Court, Orathanadu to the Sub Court, Pattukkottai for joint trial and the same was allowed and renumbered as O.S.No.29 of 2015 and both cases are jointly tried by the Sub Court, Pattukottai and now pending.

3. The grievance of the petitioner is that eventhough OS was filed in the year 2012, later it was transferred to the file of the Sub Court, Pattukkottai and now both the suits are pending, the present civil revision petitions are filed seeking a direction to the trial Court to expedite the trial in O.S.No.29 of 2015 and O.S.No.42 of 2014 on the file of the Sub Court, Pattukottai and dispose of the same within a stipulated time frame.

4. The learned counsel for the petitioner submitted that eventhough the suit was filed by the first respondent after the death of one of the parties, the plaintiff filed a petition seeking impleadment of



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LRs and after impleading, the suit is kept pending without any reason.

Hence, the learned counsel for the petitioner seeks for a direction to expedite the trial in both suits.

4. Considering the oldness of the matter, the learned Sub Judge, Pattukottai is directed to follow the directions issued by this Court in R.O.C.No.984/2015/RG/B5 dated 25.02.2016 in which the trial Courts are directed to expedite the trial process in the matters pending for more than 5 years, and dispose of the suits in O.S.No.29 of 2015 and O.S.No. 42 of 2014 as expeditiously as possible.

5. With the above direction, these Civil Revision Petitions are disposed of. There shall be no orders as to costs.

10.01.2024

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

PJL



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To

1. The Sub Judge, Pattukkottai.

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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