



C.R.P(MD)No.425 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:10.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.425 of 2020

and

C.M.P.(MD)No.2494 of 2020

1.Dhanapal
2.Mallika

.. Petitioners/ Petitioners
Defendants 1&2

Vs.

1. Ramasamy

2.The Thasildar,
Office at Main Road,
Okkandu Keelaiyur,
Orathanadu Taluk,
Thanjavur.

.. 1st Respondent/Petitioner/
Plaintiff

3.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.

4.The District Collector,
Thanjavur District,
Thanjavur.

.. Respondents 2 to 4/
Respondents 2 to 4/
Defendants 2 to 4

Prayer: Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the fair and decreetal order dated



C.R.P(MD)No.425 of 2020

12.12.2019 made in I.A.No.397 of 2016 in O.S.No.59 of 2011 on the file of the District Munsif Court cum Judicial Magistrate, Orathanadu, Thanjavur District.

For Petitioners : Mr.S.Deenadhayalan
For Respondents : Mr.A.Senthil Kumar
For R1
: Mr.A.Sivanu Pandian
Government Advocate (Civil)
for R2 to R4

ORDER

This Civil Revision Petition has been filed challenging the order dated 12.12.2019 passed by the learned District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District in I.A.No.397 of 2016 in O.S.No.59 of 2011.

2. The learned counsel for the petitioners submitted that I.A.No.397 of 2016 in O.S.No.59 of 2011 was filed to permit the petitioners to amend the prayer by including 'declaration of title'. This revision is preferred by the 1st and 2nd defendants on the ground that originally the 1st respondent herein filed a suit in O.S.No.10 of 2008. That was withdrawn with liberty to file a fresh suit for declaration. But



C.R.P(MD)No.425 of 2020

without seeking for declaration relief, 1st respondent herein filed a suit for permanent injunction. After the commencement of trial process, the petition seeking amendment of prayer was sought. That was allowed by the trial Court on payment of cost.

3. Even though there is lapse on the part of the 1st respondent to file a fresh suit seeking declaration, liberty is always available to the petitioners herein to challenge the declaration relief. In this regard, nothing has been stated by the petitioners regarding the illegality or irregularity in the order passed by the trial Court.

4. However, considering the oldness of the matter, also considering the fact that earlier suit was withdrawn by the 1st respondent herein that too, in the year 2008, the inconvenience caused to the petitioners herein may be compensated by way of imposing enhanced cost of Rs.5000/-.

5. Accordingly, this Civil Revision Petition is disposed with the following directions:

(i) The 1st respondent herein is directed to pay cost of Rs.



C.R.P(MD)No.425 of 2020

5000/- (Rupees five thousand only) to the petitioners herein/defendants

1 & 2, within 10 days from the date of receipt of a copy of this order.

(ii) The payment must also be reported to the trial Court.

(iii) This Court issued a direction in R.O.C.No. 3793A/2010/B5/Statistics dated 11.08.2010, directing the trial Court to expedite the trial process in the Senior Citizens cases and also issued another R.O.C.No.984/2015/RG/B5 dated 25.02.2016 directing the trial Courts to expedite the trial process in the matters pending for more than 5 years. The trial Court shall follow the directions issued in the above ROCs and dispose of the suit as expeditiously as possible.

There shall be no orders as to Costs. Consequently, connected miscellaneous petition is closed.

10.01.2024

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

To
1. The District Munsif Court
cum Judicial Magistrate,
Orathanadu,
Thanjavur District.



C.R.P(MD)No.425 of 2020

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



WEB COPY



C.R.P(MD)No.425 of 2020

G.ILANGO VAN, J.

PJL

C.R.P(MD)No.425 of 2020
and
CMP(MD)No.2494 of 2020

10.01.2024