



C.R.P(MD)No.2990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.2990 of 2024

Thavamani (Died)

1.Prasad

2.Vijayananth

3.Senthilkumar

... Petitioner / Plaintiffs 2 to 4

Vs

1.Gnanavel

2.Kamalam

Subramanian (Died)

3.Senthilkumari

4.Angumani

5.Pushpavalli

6.Ramachandran

7.Annakodi

8.Jeyakodi

9.Mathiyavaranam

... Respondents / Defendants

Prayer : This Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned District Munsif cum Judicial



C.R.P(MD)No.2990 of 2024

Magistrate, Thiruchuli, to expeditiously hear the suit in O.S.No.167 of 2007 renumbered as O.S.No.14 of 2021 on the file of the District Munsif cum learned Judicial Magistrate Court, Thiruchuli.

For Petitioner : Mr.S.Selva Aditya

ORDER

This Civil Revision Petition is filed to direct the learned District Munsif cum Judicial Magistrate, Thiruchuli, to expeditiously hear the suit in O.S.No.167 of 2007 renumbered as O.S.No.14 of 2021 on the file of the District Munsif cum learned Judicial Magistrate Court, Thiruchuli.

2. The suit in O.S.No.14 of 2021 was filed by the father of the revision petitioners who is dead now. They were brought on record subsequently to the death of his father. After filing the written statement, the suit was posted for trial. Later steps were filed for amending the plaint. That petition was allowed. After the said first amendment, another amendment petition was filed that was also allowed. Later the suit was posted for trial. Thereafter, the first defendant was reported to be dead and steps were taken. It was allowed. Later the third defendant



C.R.P(MD)No.2990 of 2024

was also reported to be dead. The legal representatives were brought on record, plaint was amended and trial was started. On the side of the plaintiffs, three witnesses were examined. Plaintiffs' side evidence was closed and the case is posted for defendants' side evidence. After filing the chief and affidavit, a petition under Section 38(2) of Stamp Act was filed which is now stated to be pending.

3. Now the grievance of the petitioner is that the suit is of the year 2021. Because of various proceedings, the trial could not be completed and to drag on the proceedings, the defendants have filed a petition under Section 38(2) of Stamp Act. Expressing the above said grievance, this Civil Revision Petition is preferred seeking speedy disposal.

4. Heard the learned counsel for the petitioner. This Court may not know the total pendency of the case before the trial Court. The present suit was transferred from the learned District Munsif cum Judicial Magistrate, Thiruchuli in the year 2021. The original suit was filed in the year 2007. Now 17 years have lapsed and inspite of the above said lapse of time, trial could not be completed.



C.R.P(MD)No.2990 of 2024

WEB COPY

5. Considering the oldness of the matter and also considering the fact that some parties are senior citizens, there shall be a direction to the trial Court to expedite the enquiry process in the un-numbered I.A. filed under Section 38(2) of Stamps Act and dispose of the same by following the High Court's Circular in R.O.C.No.3793A/2010/B5/Statistics dated 11.08.2010. Depending upon the outcome of the I.A, the suit itself may be disposed of at the earliest.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

29.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

pnn



C.R.P(MD)No.2990 of 2024

WEB COPY

To

- 1.The District Munsif cum learned Judicial Magistrate, Thiruchuli.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P(MD)No.2990 of 2024

G.ILANGO VAN, J.

pnn

ORDER
IN
C.R.P(MD)No.2990 of 2024

29.11.2024