



C.R.P(MD)No.3413 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.3413 of 2023

S.Karuppasami

.. Petitioner/1st Defendant

Vs.

Ramakrishnan (died)

2.Saravaan

3.Chinnasami

.. Respondents/Plaintiffs

4.Perumal

5.Sakthivel

6.Senthil

7.Muthusami

8.Mani

9.Loganathan

10.Thangavel

11.Ramasami

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12.Rengasami

13.Krishnan

14.Thagadurai

15.Mariyappan

16.Kalimuthu

17.Arjunan

18.Perumal

.. Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Vendasandur, to expedite the trial in O.S.No.109 of 2022 pending on his file, within a time limit to be fixed by this Court.

For Petitioner : Mr.S.Ramanathan

ORDER

This petition has been filed by the petitioner seeking direction to the trial Court to dispose of the suit in O.S.No.109 of 2022 pending on the file of the Sub Court, Vendasandur, within a time frame.

2. The petitioner is the 1st defendant. The grievance of the petitioner is that the subject property is in the possession of the petitioner for the last 40 years and the same is evident from the registered sale



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agreement vide Doc.No.690/1982 and 691/1982 dated 30.08.1982

between the petitioner's deceased father and a person namely, Perumal.

Subsequently, the subject property was purchased back by the petitioner's

deceased father from the aforesaid Perumal vide Doc.No.161/1988 dated

04.04.1988. From thereon the property is in the absolute possession of the

petitioner and his family. The respondents/plaintiffs had intentionally

filed the suit in O.S.No.109 of 2022 seeking partition of the subject

property. Since the property is in possession of the petitioner for the last

40 years, the partition suit itself is not maintainable and barred by

limitation. They filed the partition suit to defraud the petitioner/1st

defendant knowing the fact that the subject property been alienated to a

3rd person namely, Mayilsami vide Doc.No.725/2022 dated 23.03.2022.

Only thereafter, the respondents/plaintiffs had filed the partition suit on

03.06.2022, intentionally to encumber the property. The petitioner/1st

defendant already filed written statement and the other defendants are

trying to stall the proceedings and getting adjournment. Since the

petitioner is aged about 60 years now and comes under the category of

senior citizen, he approached this Court for speedy disposal of the suit.



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3. The learned counsel for the petitioner submitted that since the petitioner is aged about 60 years and comes under the senior citizen's category, it would be suffice if a direction is issued to the trial Court to expedite the trial process in O.S.No. 109 of 2022 and dispose of the same within a time stipulated by this Court.

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

5. This Court called for report from the trial Court. The trial Court sent the report stating that the matter is now referred to Mediation and awaiting for mediation report and posted on 27.02.2024.

6. The above said grievance of the petitioner appears to be genuine one. The petitioner is aged about 60 years and also a senior citizen. Considering the above said limited request made by the learned counsel for the petitioner, there shall be a direction to the learned Sub Judge, Vendasandur, to dispose the suit in O.S.No.109 of 2022 as expeditiously as possible, if the Mediation report negatived. The trial



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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.

7. With the above direction, this Civil Revision Petition is disposed of. There shall be no orders as to costs.

22.01.2024

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

To

1. The Sub Judge, Vedasanthur.

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



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G.ILANGO VAN, J.

PJL

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