



C.R.P(MD)No.3393 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.3393 of 2023

1.M.R.Venkatachalam

2.M.L.Balakrishnan

3.M.L.Sivaramakrishnan

4.M.L.Viswanathan

.. Petitioners/2nd to 5th
Defendants

Vs.

1.A.Hilda

2.A.Arockiamary

3.A.Josephine

4.A.Jothi

5.A.Jeyaseeli

6.A.Nirmala

.. Respondents 1-6 /Plaintiffs

7.Society of St.Joseph's College,

Tiruchirappalli,

Rep. by its Procurator

having office at Jesuit Residence,

St.Joseph College Campus,

Tiruchirappalli-2.

..7th Respondent/1st Defendant's



C.R.P(MD)No.3393 of 2023

8.Pitchaimuthu

9.Namachivayam

.. Respondents 8&9 / Defendants 6&7

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned II-Additional District Munsif, Trichy to expeditiously hear the Original Suit in O.S.No.547 of 2018 on the file of the learned II-Additional District Munsif, Tiruchirappalli.

For Petitioners: Mr.A.Punithan

ORDER

This Civil Revision Petition has been filed to direct the learned II-Additional District Munsif, Trichy to dispose the suit in O.S.No.547 of 2018 within a period stipulated by this Court.

2. The petitioners are the defendants 2 to 4 in the suit in O.S.No.547 of 2018 filed by the respondents 1 to 6 herein/plaintiffs. The suit is filed for permanent injunction restraining the defendants, their men, agents, servants, person connected with them or claiming under them from in any way interfering with the plaintiffs' peaceful possession and enjoyment of the suit property. The first revision petitioner is aged about 78 years, second petitioner is aged about 74 years, third petitioner is aged about 69 years and the fourth petitioner is aged about 65 years.



C.R.P(MD)No.3393 of 2023

with regard to the other defendants, their age is not mentioned in the cause title. The grievance of the petitioner is that even though the written statement was filed and counter claim was also filed and additional issues were filed, the suit is pending for commencing of the trial. The learned counsel for the petitioner submitted that considering the age of the petitioners, they want speedy disposal. The second grievance is that the respondents 8 and 9 in this petition are highly influential persons, hence, already first round of litigation was conducted in the year 2007 in O.S.No.590 of 2007 before the III-Additional District Munsif, Tiruchirappalli. The said suit was decreed in favour of the petitioners against which an appeal was filed by the respondents 8 and 9 herein before the I-Additional Sub Judge, Tiruchirappalli in AS.No.90 of 2009 and the same was also dismissed by order dated 25.09.2023 confirming the decision of the trial Court. Aggrieved over the same, the respondents 8 and 9 herein preferred a second appeal in SA(MD)No.381 of 2015 before this Court and this Court vide judgment dated 25.10.2016 dismissed the second appeal. After all such failures, the present suit in O.S.No.547 of 2018 was filed by the plaintiffs stating that they are the original owners of the property in dispute. Therefore, the learned counsel for the petitioners submitted that considering the round of



C.R.P(MD)No.3393 of 2023

litigations they met and also taking into consideration of the age of the petitioners, this Court may order speedy disposal of the present suit.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. Considering the age of the petitioners and also considering the facts and circumstances of the case, this Court directs the learned II-Additional District Munsif, Trichy, to expedite the proceedings in O.S.No.547 of 2018 and dispose the same within a period of six 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.984/2015/RG/B5 dated 25.02.2016 wherein this Court directs the trial Courts to expedite the trial process in the matters pending for more than 5 years.

5. With the above direction, this Civil Revision Petition is disposed of. No Costs.

02.01.2024

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



C.R.P(MD)No.3393 of 2023

To

1.The II-Additional District Munsif,
Tiruchirappalli.

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



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C.R.P(MD)No.3393 of 2023

G.ILANGO VAN, J.

PJL

C.R.P(MD)No.3393 of 2023

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