



C.R.P(MD)No.129 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.129 of 2024

Omma Amma(died)

1. Rejish Kumar

2.Valsala Kumari

3.Krishnaveni

4.Prabha Priyadharshini

5.Sathiya Sheela

.. Petitioners / Plaintiffs

Vs.

1.Anitha Kumari alias Girija

2.Gibi Sudarsan

.. Respondents/ Defendants

***[2nd respondent is represented by her General Power Attorney Holder
Gini Manueal]***

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Kuzithurai, for speedy disposal of the suit in O.S.No.179 of 2013 pending on his file.



C.R.P(MD)No.129 of 2024

For Petitioner : Mr. M.Yesudasan

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ORDER

This petition has been filed by the petitioners seeking direction to the trial Court to dispose of the suit in O.S.No.179 of 2013 pending on the file of the Sub Court, Kuzithurai, within a time frame.

2. The grievance of the petitioners is that the suit in O.S.No. 179 of 2013 was filed by the mother of these petitioners seeking the relief of declaration and for recovery of property. The defendants also appeared and filed the written statement belatedly. Originally the suit schedule property belongs to the father of the petitioners herein namely, Balakrishnan Nair. He got it under a settlement deed No.7304/1960 dated 12.12.1960 executed by his mother Kunjulekshmi Amma. He was in absolute possession of the schedule property till his death. Thereafter, his right, title and possession devolved on the plaintiffs and the plaintiffs have been in possession and enjoyment of the same. In the meantime, taking advantage of the absence of the plaintiffs in the native place, one Kamalamma-the mother of the first defendant fraudulently settled the said property in favour of the first defendant. Hence, the defendants' possession of the suit property is illegal and they acquired the same



C.R.P(MD)No.129 of 2024

based on the fraudulent sale deed and hence, they are not entitled to be in possession of the suit schedule property. They are getting an annual income of Rs.12,000/- from the suit property. But, they are dragging on the trial proceedings in the suit. Pending revision, Oma Amma died and her LRs are impleaded as petitioners herein. Since the petitioners are senior citizens, they approached this Court for speedy disposal of the suit.

3. The learned counsel for the petitioners submitted that since the petitioners 2 to 4 come under the senior citizens category and the case is pending for more than 10 years, it would be suffice if a direction is issued to the trial Court to expedite the trial process in O.S.No.179 of 2013 and dispose of the same within a time stipulated by this Court.

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

5. The above said grievance of the petitioners appears to be genuine one and three of them are senior citizens. Considering the above said limited request made by the learned counsel for the petitioners, this



C.R.P(MD)No.129 of 2024

Civil Revision Petition is disposed of with a direction to the trial Court to follow the directions issued in the below ROCs and dispose of the suit as expeditiously as possible.

(i) This Court's 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.

(ii) This Court's 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.

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, Kuzhithurai.

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



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C.R.P(MD)No.129 of 2024



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C.R.P(MD)No.129 of 2024

G.ILANGO VAN, J.

PJL

C.R.P(MD)No.129 of 2024

22.01.2024