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C.R.P.(PD) No.1206 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1206 of 2025

Balan

... Petitioner

Vs.

1.Palaniayammal

2.The State of Tamil Nadu
Rep by District Collector
Salem.

3.The Assistant Divisional Engineer (O&M)
National Highways
Vazhapadi Division
Vazhaapadi Taluk
Salem District.

4.Kumar

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the I Additional District Judge at Salem District to dispose of the suit in O.S.No.15 of 2024 pending on the file of District Munsif cum Judicial Magistrate, Valappady, Salem District, within the time as fixed by this Court.



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For Petitioner : Mr.D.Velu
For Respondents : Mr.V.Ramesh
Government Advocate [R2 & R3]

ORDER

This civil revision petition is filed praying for speedy disposal of O.S.No.15 of 2024 pending on the file of the District Munsif cum Judicial Magistrate Court, Valappady, Salem District.

2. The revision petitioner is the third defendant in O.S.No.15 of 2024, filed by the first respondent/plaintiff for permanent injunction against defendants 1 to 4. According to the revision petitioner, he had filed the written statement and the same is pending for more than a year. The revision petitioner is now 68 years old and he contends that the judicial officer is granting endless adjournments to the official respondents viz., the first and second defendants, owing to which, he apprehends that he may not be able to enjoy the fruits of the decree during his lifetime. Hence, the present revision is filed for early disposal of the suit in O.S.No.54 of 2024.

3. Heard the learned counsel for the revision petitioner and this Court perused the records.



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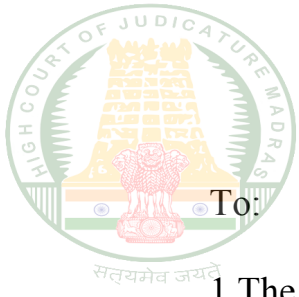
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4. The records would show that the written statement has been filed by the revision petitioner/third defendant as early as on 30.04.2024, and the learned Judge has been periodically giving time to the first and second defendants for filing their written statements. The learned Judge cannot indefinitely keep the matter pending. In case, the defendants 1 and 2 fail to file their written statement within the time stipulated, then the learned Judge should have proceeded to set them exparte, rather than keeping the suit pending indefinitely, especially when the time line has been given for filing the written statements. Therefore, the civil revision petition is allowed with a direction to learned District Munsif cum Judicial Magistrate, Valappady, Salem District to dispose of the suit in O.S.No.15 of 2024 within a period of six months from the date of receipt of a copy of this order. No costs.

26.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
ds



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To:

1.The District Munsif cum Judicial Magistrate
Valappady, Salem District.

2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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