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C.R.P.No.1753 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.1753 of 2025

Muthuswamy

... Petitioner / Plaintiff

Vs.

1.The District Collector
Dharmapuri District.

2.The Tahsildar
Karimangalam Taluk
Dharmapuri District.

3.Parimala

... Respondents / Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif cum Judicial Magistrate at Karimangalam, to dispose of the suit O.S.No.440 of 2023, within a time limit that may be stipulated by this Court.

For Petitioner : Mr.B.Ramar

For Respondents : Mr.N.Muthuvel
Government Advocate for R1 & R2



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ORDER

Seeking disposal of the suit in O.S.No.440 of 2023 on the file of District Munsif cum Judicial Magistrate, the present revision petition is filed.

2. The revision petitioner is the plaintiff and he has filed the suit for declaration in O.S.No.440 of 2023 on the file of District Munsif cum Judicial Magistrate at Karimangalam, and the same is pending before the Court below for framing of issue. It is the contention of the revision petitioner that though the written statement has been filed in the subject suit, the trial Court did not come forward to begin the trial. He would also submit he is now 74 years old and suffering from age old ailments and that the delay in disposing of the suit would cause irreparable loss and damage to him.

3. A perusal of the 'B Diary' extract would show the suit summons were served on the defendants 1 to 3 as early as on 04.12.2023, and



thereafter the matter was adjourned from 08.12.2023 to 06.06.2024 for filing of written statement of third defendant. Despite several adjournments being granted to D3 to file written statement, there was no representation on her behalf, therefore, D3 was set *exparte*. Thereafter, on 25.07.2025, the plaintiff examined himself as P.W.1 and marked documents Ext.A1 to Ext.A16, and the evidence of P.W.1 was closed on 12.08.2024, and thereafter, there was no progress.

4. It is seen from the records that the learned Judge has been periodically giving time i.e., from 18.12.2023 to 20.06.2024 to the third respondent for filing the written statement, and finally, the third defendant was *set exparte* on 20.06.2024. The evidence of P.W.1 was closed on 12.08.2024, and there was no progress since then. The learned Judge cannot indefinitely keep the matter pending without any progress. Therefore, a direction is issued to learned District Munsif cum Judicial Magistrate, at Karimangalam to dispose of the suit in O.S.No.440 of 2023 within a period of eight months from the date of framing of issues.



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5. With the above direction, the civil revision petition is disposed of.

No costs.

25.04.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

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To:

1.The District Munsif cum Judicial Magistrate
Karimangalam.

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



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P.T. ASHA, J,

ds

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