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CRP.No.4018 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.4018 of 2025
and C.M.P.No.20852 of 2025

J.V.Appandairajan

... Petitioner

Vs.

1.Padma Prakash

2.Swasthi Sri Lakshmisena Battarasu Battacharya Varya Maha Swamigal,
Jain Mutt Mel Chittamur,
Gingee Taluk.

3.P.V.Padmaraj

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal District Munsif Court, Gingee, for speedy disposal of the suit in O.S.No.345 of 2018, on the file of the Principal District Munsif Court, Gingee.

For Petitioner : Mr.V.Raghavachari
for Mr.S.T.Bharath Gowtham

ORDER



Heard Mr.V.Raghavachari, learned Senior Counsel appearing for the petitioner.

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2. The suit has been filed in a representative capacity. The grievance of the learned Senior Counsel appearing for the petitioner is that the suit has been pending for more than seven years. Interlocutory applications have been filed in the interregnum period by various third parties, seeking impleadment of themselves in the said suit.

3. The learned Senior Counsel appearing for the petitioner would also state that the Senior Pontiff, whose evidence is vital and necessary to adjudicate the issue that arises for consideration in the suit, is suffering from throat cancer and he is not able to attend the Court proceedings and he is not in a position to speak and adduce any oral evidence. However, the learned Senior Counsel states that the Senior Pontiff is willing to depose and his evidence may be adduced by way of statement in writing and it can be recorded by the Advocate Commissioner in the presence of the learned counsel appearing for the parties.

4. In the light of the fact that the suit has been pending for more than



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seven years, I hereby direct the learned Principal District Judge, Gingee, to dispose of the interlocutory applications filed in O.S.No.345 of 2018 on merits and in accordance with law by the end of 28.11.2025. It is made clear that the Senior Pontiff is not required to take out any application seeking for recording of his evidence at his residence/mutt and the learned trial Judge shall appoint an Advocate Commissioner to examine the petitioner at his residence and the evidence deposed by the Senior Pontiff shall be by way of answering the questions in writing, since he is not in a position to speak as on date and the Senior Pontiff shall be examined first, considering his age as well as the health condition, before the other parties or witnesses are examined in the suit.

5. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

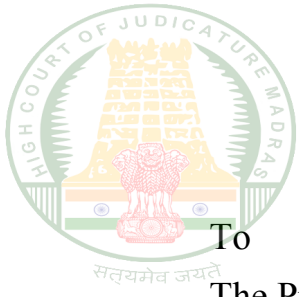
26.08.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

ssb



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To

The Principal District Munsif Court,
Gingee.

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and
CMP.No.20852 of 2025

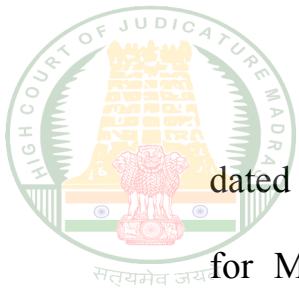
P.B.BALAJI, J.

The matter is listed under the caption 'for being mentioned' today.

2. The learned counsel for the petitioner states that a direction was issued to dispose of the suit, the same was however not incorporated in Paragraph No.4 of the order dated 26.08.2025. The suit is pending for more than seven years. I hereby include a direction to the learned Principal District Judge, Gingee in Paragraph No.4 of the order dated 26.08.2025. In the light of the above, order dated 26.08.2025 in Paragraph No.4 of the order shall reads as follows:-

“4. In the light of the fact that the suit has been pending for more than seven years, I hereby direct the learned Principal District Munsif Court, Gingee to dispose of the suit in O.S.No.345 of 2018, on merits and in accordance with law by 28.11.2025. If any Interlocutory Applications are pending, the same shall be disposed of within a period of three weeks from the date of receipt of a copy of this order. It is made clear that the Senior Pontiff”

3. The learned counsel for the petitioner also states that in the order



dated 26.08.2025, in the appearance column, the name “Mr.V.Raghavachari for Mr.S.T.Bharath Gowtham” has been mentioned. It should read as “Mr.V.Raghavachari, Senior Advocate for Mr.S.R.Bharath Gowtham”.

4. Accordingly, the Registry is directed to make necessary corrections and issue a fresh order copy to the parties. The other portion of the order shall remains unaltered.

04.09.2025

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