



C.R.P(MD)No.423 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.423 of 2025

Elangovan

... Petitioner/1st Defendant

Vs.

1.N.Mala

2.P.Muthamilselvi

3.V.Santhanalakshmi

4.V.Jeyalakshmi

5.V.Arumugam @ Murugavel

... Respondents/Plaintiffs

6.E.Devaki

7.M.Pragadeeswari Kala

.. Respondents/Defendants 2&3

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Sub Court, Kulithalai to dispose of the suit in O.S.No.180 of 2020 which is pending on its file within the stipulated time in accordance with law.



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For Petitioner : Mr.K.Sathish Kumar

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ORDER

The 1st defendant in O.S.No.180 of 2020 on the file of Sub Court, Kulithalai is the revision petitioner herein.

2. The respondents 1 to 5 herein as plaintiffs have filed the above said suit for the relief of partition and separate possession. The defendants 1 and 2 have already entered appearance and they have already filed their written statement in the year 2022. So far, the 3rd defendant who is residing abroad has not been served. The plaintiffs have not taken any steps to pay batta to serve the 3rd defendant. Therefore, for payment of batta, the suit is being adjourned from 05.09.2022 onwards. On 18.12.2024, again it has been adjourned to 05.03.2025 for payment of batta for issuing fresh summons to the 3rd defendant through Court and post. Therefore, it is clear that the plaintiffs are not taking steps to serve the 3rd defendant. It is the grievance of the 1st defendant that in view of the delay, the suit could not be proceeded with and hence, he has filed the present revision petition to expedite the trial.



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3. So far, the 3rd defendant in the suit has not been served. In such circumstances, this Court is not in a position to issue a direction for expeditious disposal of the suit. However, when the plaintiffs are not taking steps to serve the 3rd defendant for the past 2 years, it is for the Court to pass appropriate orders without giving unnecessary adjournments.

4. With the said observations, this Civil Revision Petition stands disposed of. No costs.

19.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Court,
Kulithalai.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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R.VIJAYAKUMAR,J.

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Order made in
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