



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1321 of 2025

K.Rasool Mohideen(Died)
K.R.Akbar

... Petitioner

[Cause title is accepted vide order dated 07.04.2025 made in CMP(MD)No. 5631/2025 in CRP(MD)SRNo.20573/2025 by RVJ]

Vs

- 1.Valli
- 2.Alagar
- 3.Karuppayee
- 4.Muthammal
- 5.Periyasamy
- 6.Pandiammal
- 7.Bose
- 8.Pandiammal
- 9.Perumayee
- 10.Pechi
- 11.Alagammal
- 12.Muthammal
- 13.Jan Bibi Sahiba
- 14.Perumayee
- 15.Rajendran
- 16.Lakshmi
- 17.Ramu



18.Panchavarnakili

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... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned I-Additional Subordinate Judge, Madurai to dispose of the suit in O.S.No.819 of 1979 is pending on the file of the learned I-Additional Subordinate Judge, Madurai in a speedy manner within a time frame as fixed by this Court.

For Petitioner : Mr.V.Ramamurthy

ORDER

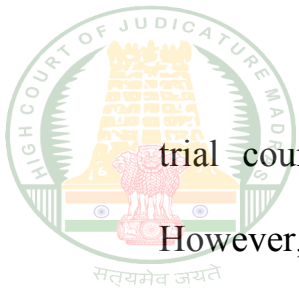
This revision petition has been filed for a direction to the learned I-Additional Subordinate Judge, Madurai to dispose of the suit in O.S.No.819 of 1979 is pending on the file of the learned I-Additional Subordinate Judge, Madurai in a speedy manner within a time frame as fixed by this Court.

2. The learned counsel for the petitioner would submit that the petitioner is a legal heir of the plaintiff namely, Rasool Mohideen. The original plaintiff filed a suit in O.S.No.819 of 1979 as against 18 persons for (a) declaration declaring that items 1, 2, 3 described in A-schedule property belong absolutely to the plaintiff and pass consequential relief of possession directing the defendants 1 to 12 and defendants 14 to 18 as per the order in IA.No.485 of 1980 to put the plaintiff in possession of the said 3 items after removing the



huts therein; (b) declaring the D.No.8, Chavadi Street described in B-schedule lay in T.S.No.1195 southern portion(now T.S.1215) in the year 1944 and subsequently not in T.S.No.1210(now T.S.1212); (c)granting pertetual injunction against the defendants prohibiting the defendants from trespassing into the T.S.No.1210 D-schedule Goripalayam Chavadi Street, Madurai except items covered by relief (a) or alternatively declaring that the property described in D schedule of the plaint belongs to the plaintiff absolutely and consequently directing the defendants not to put the plaintiff in possession of the same after removal of the structure if any without any let or hindrance; (d) injunction against the defendants and alternatively declaration that the property described in C-schedule of the plaint belongs to the plaintiff absolutely and consequently directing the defendants to put the plaintiff in possession of the same and after removal of the structure if any without any hindrance.

3. The said suit was dismissed for default on 13.09.1983 in which the legal heir of the plaintiff including the petitioner filed I.A.No.534 of 1983 to restore the suit and the same was dismissed for default again against which the petitioner and the other legal heirs preferred appeal before this Court in A.A.O.No.520 of 1988. This Court by its order dated 06.01.1995 allowed the appeal by directing the trial judge by taking into account the two preliminary issues viz., maintainability of the suit and whether it is barred by doctrine of *res judicata*, after hearing both parties and after giving them proper opportunity, the



trial court shall dispose of the suit within four weeks from 06.01.1995.

However, subsequently the suit paper was misplaced that the order was not

complied as per the direction of this Court. Hence, the present revision petition

has been filed.

4. This Court by its order dated 23.04.2025 directed the lower Court to find out whether the suit is restored or not, pursuant to which the learned Additional Sub Judge vide his letter dated 02.06.2025 sent a report to this Court that with great difficulty the suit paper was identified and the same was restored back to the Court and posted the matter on 16.06.2025 for appearance of both the parties and again it is adjourned to 16.07.2025 for further disposal are in view of the above there shall be a direction to the trial Court to dispose the suit after providing opportunity to the petitioner as well as the respondents in terms of the cause title mentioned in A.A.O.No.520 of 1988 (C.M.A.No.520 of 1988), dated 06.01.1995 as expeditiously as possible.

5. With the above direction, this Civil Revision Petition is disposed of.

No Costs.

08.07.2025

Internet: Yes/No

Index: Yes/No

NCC: Yes/No

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1.The I-Additional Subordinate Judge,
Madurai.

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



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M.DHANDAPANI, J.

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