

**(2011) 08 MAD CK 0294**

**In the Madras High Court**

**Case No : C.R.P. (PD) (MD) No. 1318 of 2011**

Periyasamy @ Periyasamy

APPELLANT

Vs

P. Alagammal (died) and Others

RESPONDENT

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**Date of Decision : 25-08-2011**

**Acts Referred:**

Constitution of India, 1950 — Article 227

**Citation : (2011) 08 MAD CK 0294**

**Hon'ble Judges : C.S. Karnan, J**

**Bench : Single Bench**

**Advocate : R. Udhayakumar, for the Appellant;**

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## **Judgement**

C.S. Karnan, J.—This petition has been filed by the Petitioner to direct the District Munsif at Manapparai, Tiruchirappali District to dispose of the O.S. No. 190 of 2000 within a period that may be stipulated by this Court.

2. The short facts of the case is as follows:

(i) The revision Petitioner/1st Defendant has filed the above revision stating that the Plaintiffs have filed a civil suit in O.S. No. 190 of 2000 against this revision Petitioner and Ors. on the file of the District Munsif Court, Manapparai, Tiruchirappali District. The Plaintiffs have sought relief against the Defendants stating that the 2nd and 3rd Plaintiffs are exclusive possession of the suit property and therefore they should be declared as absolute owners of the property and other relief.

(ii) The Defendants have filed written statement and resisted the suit. Thereafter, the suit is being adjourned from time to time. Hence, the revision Petitioner/1st Defendant has filed the above revision for expeditious trial of the case.

3. The Learned Counsel for the revision Petitioner contended that the original suit has been filed in the year 2000, but the case is still pending and there has not been any development. The Petitioner is aged about 62 years and is unable to

move from his bed and also is under constant medical supervision. The Learned Counsel put forth a legal submissions that the Petitioner is entitled to get the remedy of speedy disposal of the case as per parental law, under Article 21. The Learned Counsel further submitted that notices have been served on the Respondents. In order to prove the same, proof of service has been filed. Therefore, the Respondents are well aware about the above revision petition.

4. In the facts and circumstances of the case and the submissions of the Learned Counsel for the Petitioner and on considering the typed set of papers including the court docket orders, this Court is of the considered opinion that the case has to be taken up for speedy disposal on top priority basis since the case has been filed in the year 2000 and that the revision Petitioner is a sick person aged about 62 years. Hence, this Court directs the learned District Munsif, Manapparai to dispose the case in O.S. No. 190 of 2000 within a period of three months from the date of receipt of this order.

5. In the result, the above civil revision petition is disposed of with the above observations. Accordingly ordered. There is No. order as to costs.