

IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.

Present : Tmt. M.Alima, B.A., L.L.M.,
II Additional District Munsif, Nagercoil.(FAC)

Saturday, on the 4th day of January, 2025.

I.A. No. 8 of 2024 in O.S. No. 75 of 2020

S. Vaikundanathan	... Petitioner / Plaintiff
-vs-	
1. V. Sivagurulingam	
2. M. Ramaswamy	... Respondents / Defendants

This petition came before this court on 03.01.2015 for a final hearing in the presence of Mr. C. Ashok Kumar, the learned counsel for the Petitioner/Plaintiff and Mr. M.S. Moorthy, learned counsel for the Respondents/Defendants, counter not filed, set exparte and upon hearing petitioner side, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The petitioner had filed the above petition under Rule 28(2) and Section 151 of the Code of Civil Procedure, seeking to advance the case from 26.02.2025 to this day and thus render justice.

2) Gist of Averments in the Petitioner/Plaintiff Petition:

The petitioner is the plaintiff in the suit. The petitioner had filed this suit for a declaration declaring the plaintiff's right of Easement by necessity over the plaint 'B' schedule property for ingress and egress to the plaint 'A' schedule property and decree for a mandatory injunction directing the 1st defendant to remove the encroachment made on the 'B' schedule pathway on land aerially and other reliefs. The case was posted on 26.02.2025. The suit stands for PW1 Cross more than 1.1/2 years. As such things have to be expedited and PW1 cross examined as early as possible in the interest of justice. Further, the petitioner is the senior citizen and fast few years, petitioner was not enjoying that pathway freely. So, this court may be pleased to hear the case in advance for that effect this application has been filed before this court. Hence, this court to pass an order advancing the posting date of the suit from 26.02.2025 to the nearest date for cross examining PW1 and to dispose off the suit expeditiously; otherwise, the petitioner will be put to irreparable loss and damages Hence, this petition is to be allowed.

3) The Respondent is ex parte in this petition.

4) The point for consideration is whether the above petition has to be allowed or not.

5) Point:

Heard. Records perused. The reasons for advancing the above-mentioned suit are that they need to conduct the case urgently, without considering the pendency of the suit. The case was posted on 26.02.2025. The suit stands for PW1 Cross more than 1.1/2 years. As such, these things have to be expedited and PW1 cross-examined as early as possible in the interest of justice. Further, the petitioner is the senior citizen, and in the past few years, the petitioner was not enjoying that pathway freely.

6) Considering the reasons mentioned in the petition and the stage of the case, this court is of the opinion that it is necessary to advance the above mentioned suit to an earlier date. Hence, in the interest of justice, this court is inclined to allow this petition.

7) As a result, this petition is allowed without cost. The above-mentioned suit hearing advanced from 26.02.2025 to 07.01.2025.

Dictated to the Typist, and typed by her, corrected and pronounced by me, in open court this, the 04th day of January, 2025.

II Additional District Munsif, (FAC)
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

II Additional District Munsif, (FAC)
Nagercoil.

Draft/Fair Order
I.A.No. 8/2024 in
O.S.No.75/2020
Date: 04.01.2025.
II ADM, Nagercoil.

