

In the Court of District Munsif, Melur

**Present: Thiru.N.Suresh., B.A., B.L.,
District Munsif, Melur**

Thursday, this the 08th day of November 2018

Original Suit No. 445/2012

1. Karuppaiah
2. Poopandiammal
3. Murugeswari
4. Rajavel
5. Lavanya
6. Mani

... Plaintiffs

/vs/

1. Ayyankalai *(Died)
2. Sengi

...Defendants

*(The 1st Defendant expired on 18.10.2017 and the same was recorded as per the memo dated on 25.10.2017.)

This suit coming before me on this day in the presence of Thiru. J.Suresh, Advocate for the plaintiffs in the record and the 1st Defendant expired during the pendency of this suit, no steps to implead the LRs were taken by the plaintiffs' side and of Thiru. S.Rajendran, Advocate for the Defendant No.2 and plaintiffs called absent and no representation, this court delivered the following:-

JUDGMENT

This suit filed by the plaintiffs for Declaration and consequently Madatory Injunction and Permanent Injunction and for directing the defendants to pay the cost of this suit to the plaintiffs and for such other reliefs.

Plaintiffs called absent. No representation. Steps not taken to amend the plaint. On 28.08.2018, I.A.No.946/2018 u/o.22 rule 9, 947/2018 u/o.22 rule 4 were allowed and steps not taken to amend the plaint till date. As per order 17 rule 1 of CPC, it is noted that "From time to time adjourn the hearing of the suit for reasons to be recorded in writing and no such adjournment shall be granted more than three times to a party during hearing of the suit". But this suit is posted on the following dates viz., 11.09.2018, 05.10.2018, 23.10.2018 and today

itself for taking steps to amend the plaint. Already sufficient time was granted as per order 17 rule 1 of CPC. The Hon'ble High Court has directed to dispose the suits which are pending more than five years within stipulated time. The plaintiffs have no interest to conduct the suit and the suit is very long pending from the year 2012. Hence, this suit is dismissed for default for non taking of steps to amend the plaint. No costs.

Pronounced by me in the open court, this the 08th day of November, 2018.

**(Sd.) Suresh
DISTRICT MUNSIF
MELUR.**

Plaintiff's side witness:

Karuppaiah, S/o. Ayyamperumal

Plaintiff's side documents:

Ex.A.1 06.12.2004 Sale deed - Original

Ex.A.2 Manaivari Thoraya Patta in the name of Ayyamperumal's children
1.Karuppaiah, 2. A. Subramani

Ex.A.3 Patta Pass Book in the name of Karuppaiah

Ex.A.4 FMB Sketch

Defendants' side witness &

documents: Nil.

**(Sd.) Suresh
DISTRICT MUNSIF,
MELUR.**

District Munsif Court, Melur.
O.S.No. 445/2012
Fair/Draft Judgment
Dated: 08.11.2018.