

In the Court of District Munsif, Melur

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

Wednesday, this the 10th day of October, 2018

Original Suit No. 280/2016

K. Janaki

... Plaintiff

/vs/

1. S. Palaniyandi
2. P. Murugan
3. P. Ganesan
4. P. Balasubramanian
5. P. Elavarasan
6. Rakkammaal

...Defendants

This suit coming before me on this day in the presence of Thiru. S.Chandrasekaran, Advocate for the plaintiff in the record and of Thiru. V.Subrahmanyam, Advocate for the Defendants No.1 to 5 and of Thiru. N. Raja, Advocate for the Defendant No.6 and plaintiff called absent and no representation, this court delivered the following:-

JUDGMENT

This suit filed by the plaintiffs prays for declaring that the suit property absolutely belongs to the plaintiff vide registered sale deed dated 03.08.2011 under Document No. 3802/2011 registered at the office of the Sub-Registrar, Theppakulam, Madurai District and consequentially granting an order of Permanent Injunction restraining the defendants and their men and agents in any manner interfering with the peaceful possession and enjoyment of the suit property by the plaintiff and for declaring that the Gift Settlement Deed dated 24.08.2000 executed by the 1st defendant in favour of 2 to 5 defendants registered at the office of the Sub-Registrar, Theppakulam in Document No.1792/2000 as null and void by cancelling the Deed as not binding on the plaintiff and for declaring that the Release Deeds dated 18.12.2013 executed between 2 to 5 defendants in Document Nos. 4483, 4484, 4485 & 4486/2013 and the Release Deed dated 22.01.2014 in Document No.171/2014 registered at the office of the Sub-Registrar, Theppakulam as null and void by cancelling the deed as not binding on the plaintiff and for

granting an order of Mandatory Injunction to cause a copy of the decree that may be passed by this Hon'ble Court in respect of the suit property to the Sub-Registrar, Theppakulam, Madurai as per Rule 89 of Civil Rules of Practice directing to enter the contents of the decree in Book No. 1 of the Registration records and for directing the defendants to pay the cost of this suit to the plaintiff and for such other reliefs.

Plaintiff called absent. No representation. On 14.07.2017, issues were framed and both sides were directed to submit the list of witnesses and documents within two weeks. But the plaintiff did not file the list of witnesses as per Order 16 rule 1 of CPC nor appear before this court to commence the trial 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., 17.08.2017, 11.10.2017, 20.12.2017, 09.02.2018, 22.02.2018, 22.03.2018, 16.04.2018, 18.06.2018, 17.07.2018, 04.08.2018, 03.09.2018, 08.09.2018, 27.09.2010 and today itself for Trial. Already sufficient time was granted as per order 17 rule 1 of CPC. But the plaintiff did not appear before this court as per order. The Hon'ble Supreme Court of India in its Judgment in 2015(3) Crimes 269 (SC) has issued guidelines as "adjournments granted for non-acceptable reasons is anathema to concept of proper and fair trial". The plaintiff has no interest in this suit and the suit is long pending from the year 2016 without commencing the trial. Hence, this suit is dismissed for default for non commencing the trial. No costs.

Pronounced by me in the open court, this the 10th day of October, 2018.

(Sd.) Suresh
DISTRICT MUNSIF
MELUR.

District Munsif Court, Melur.
O.S.No.280/2016
Fair/Draft Judgment
Dated: 10.10.2018.