



C.R.P.(MD)No.2158 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2158 of 2024

- 1.P.Arunachalam
- 2.T.Easwaran
- 3.T.Chandrasekaran
- 4.T.Selvam
- 5.T.Murugadoss
- 6.Valliammal
- 7.C.Natchiar
- 8.K.Vasanthi
- 9.K.Sudarshana

... Petitioners / Defendants 6 to 13 & 18

Vs.

- 1.P.Periyakaruppan
- P.Muthupillai (died)
- 2.P.Kumaravel
- 3.S.Subburaj
- 4.S.Udayakumar
- 5.S.Subbulakshmi

... 1st Respondent / Plaintiff



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6.S.Andi

7.S.Seenikalai

8.S.Sakthivel

9.Sakkaraiammal

10.K.Kiren

11.The District Collector,
Theni District.

12.The Sub Collector / Revenue Divisional Officer,
Periyakulam.

13.The Thasidlar,
Aundipatti.

14.The Taluk Head Surveyor,
Aundipatti.

15.The Firka Surveyor Bit-I,
Aundipatti.

16.The Joint Director,
District Survey Department,
Theni.

17.The Joint Director,
Panchayat Section Office,
Collector Office III Floor,
Theni.

18.The Executive Officer,
Town Panchayat,
Aundipatti.

19.The Sub Registrar, Aundipatti.



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20. The Assistant Engineer,
TANGEDCO,
Aundipatti

... Respondents 2 to 20 / Defendants
2 to 5, 14 to 17, 19 to 29.

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to expedite disposal of the suit in O.S.No.141 of 2021 on the file of the Additional District and Sessions Judge (FTC), Theni.

For Petitioners : Mr.P.Sivachandran

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R11 to R19

ORDER

Heard the learned counsel appearing for the revision petitioners.
Issuance of notice to the respondents is dispensed with.

2. The petitioners seek speedy disposal of O.S.No.141 of 2021 on the file of the Additional District and Sessions Judge (FTC), Theni.

3. The learned counsel for the petitioners appraised me about the work load of the court below. I felt inclined to give a direction for speedy disposal. But then, it appears that the pleadings are not yet completed. The court below is called upon to ensure that the pleadings are completed as expeditiously as possible. I went through the 'B diary' extract. It is seen therefrom that the case



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is being adjourned from time to time for the written statement of the 28th

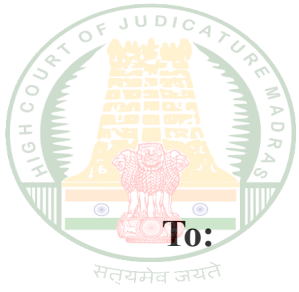
defendant. The 28th defendant is none other than the Sub Registrar, Andipatti.

Order 8 Rule 1 of C.P.C states that written statement must be filed within 30 days after the service of suit summons. The said provision states that the written statement should be filed in any event within 90 days. Of-course, the Hon'ble Supreme Court held that this outer time limit is not mandatory and that the court has discretion to condone the delay in filing the written statement. That does not mean that the case can be adjourned repeatedly for filing of the written statement. The suit had been filed in the year 2021 itself. The court below ought not to adjourn the case only to enable the concerned defendant to file his or her written statement. The court below is directed to ensure that the said 28th defendant is set exparte if the written statement is not filed. The issues shall be framed within 30 days thereafter. The trial itself shall be concluded on merits and in accordance with law within a period of 8 months thereafter.

4. The civil revision petition is disposed of accordingly. No costs.

10.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.



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