

**Dr.Kumaradoss Vs. C.Pathrose and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/919739](http://sooperkanoon.com/919739)

**Court :** Chennai

**Decided On :** Jul-05-2011

**Judge :** C.S.Karnan, J.

**Appeal No. :** C.R.P(PD)(MD)No.1031 of 2011

**Appellant :** Dr.Kumaradoss

**Respondent :** C.Pathrose and anr.

**Advocate for Pet/Ap. :** Mr.S.Deepak, Adv.

**Judgement :**

1. The petitioner/first defendant has filed the above C.R.P.(PD)(MD)No.1031 of 2011 for directing the learned District Munsif, Padmanabhapuram, Kanyakumari District, to dispose of the Original Suit No.467 of 2008 within a stipulated period.

2.The short facts of the case are as follows:-

The plaintiff has filed the suit in O.S.No.467 of 2008 against the defendant, for a decree of permanent injunction restraining the first defendant and his men from interfering with the plaintiff's possession and enjoyment over the suit property. In the said suit, the first defendant has filed written statement on 19.01.2009. Thereafter, there was no further progress in the suit from 19.01.2009 onwards. The case is being adjourned from time to time.

3.The first defendant has filed the above revision petition for speedy disposal of the suit within stipulated period.

4.The learned counsel for the revision petitioner submits that the plaintiff has filed the suit against the petitioner/1st defendant for his remedy. Even then, the petitioner is always ready to contest the suit, but the learned Judge adjourned the case from time to time. The long pending case has caused a lot of hindrance to the petitioner. The learned counsel further argued that a speedy trial is the Constitutional right of the litigant.

5.In view of the facts and circumstances of the case and the frequent adjournment granted by the learned Judge from 19.01.2009 to 02.03.2011, this Court considers that there is no progress in the said suit. Further, the first defendant has come forward and extended his co-operation for speedy trial. Therefore, this Court hereby directs the learned Judge to dispose the case in O.S.No.467 of 2008 on the file of the Principal District Munsif Court, Padmanabhapuram, Kanyakumari District, within a period of three months from the date of receipt of a copy of this order, after giving opportunities to the parties.

6.In the result, the above Civil Revision Petition is ordered, accordingly. There is no order as to costs.

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