

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3594 of 2015

and

M.P.No.1 of 2015

A.Kandasamy

S/o.Late Anganna Mudaliar

... Petitioner/Petitioner/1st Defendant

Vs.

1.Palaniammal

2.Rajeswari

3.P.Manohar

4.Indirani

5.K.Radha

6.P.Lalitha

... Respondents/Respondents/Plaintiffs

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 01.07.2015 made in I.A.No.1188 of 2014 in O.S.No.981 of 2014 on the file of the III Additional Subordinate Judge, Coimbatore.

For Petitioner : Mr.B.R.Shankaralingam

O R D E R

The revision petitioner is the 1st defendant in O.S.No.981 of 2014 on the file of the III Additional Subordinate Judge, Coimbatore. The said suit has been filed for partition.

2. In the said suit, the 1st defendant/revision petitioner has filed an application in I.A.No.1188 of 2014 under Order VII Rule 11 CPC to reject the plaint in O.S.No.981 of 2014. The trial Court by its order dated 01.07.2015 made in I.A.No.1188 of 2014 in O.S.No.981

of 2014 dismissed the said application. Aggrieved against the said order, the present Civil Revision Petition has been preferred.

3. The learned counsel appearing for the petitioner would submit that since the revision petitioner is a senior citizen aged about 70 years, a direction can be issued to the trial Court to dispose of the suit within a stipulated time.

4. In the facts and circumstances of the case, without expressing anything on the rights of the parties, the Trial Court is directed to pass a preliminary decree on merits if it comes to the conclusion that the plaintiffs have right over the properties and if it comes to the conclusion that the plaintiffs have no right over the properties, the suit could also be rejected, within a period of nine months.

5. The Civil Revision Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To
The III Additional Subordinate Judge,
Coimbatore.

+ 1 cc to Mr.B.R. Shankaralingam, Advocate Sr.52548

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GGK(CO)

Eu 20.10.15

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