

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(PD)No.3829 of 2015

Chinnammal

... Petitioner

vs.

1.Sivasubramaniam

2.Ravichandran

3.Maheswari

...Respondents

V.M.Pitchamuthu (Died)

Civil Revision Petition filed under Article 227 of the Constitution of India to complete the trial of the suit in O.S.No.279 of 2010 on the file of the Hon'ble Second Additional Subordinate Court, Erode within the time fixed by this Hon'ble Court.

For Petitioner : Mr.I.C.Vasudevan

ORDER

The revision petitioner is the first defendant in O.S.No.279 of 2010. He is aged about 75 years. It is a suit for partition.

2. According to the petitioner, the plaintiff's side evidence was over. D.W.1 was examined in chief and posted for cross examination by the plaintiff. But so far, the first respondent/plaintiff did not turn up to cross examine D.W.1. In these circumstances, the petitioner has filed this revision petition, seeking for a direction to dispose of the suit within a stipulated period.

D.HARIPARANTHAMAN,J.,

svki

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

With the above observation, this Civil Revision Petition is disposed of. No costs.

23.09.2015

Index : Yes/No
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Note : Issue order copy on 30.09.2015

To

The Second Additional Subordinate Court, Erode

C.R.P.(PD)No.3829 of 2015