

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1753 of 2016

1.Paulraj

2.Annapoorani

3.Kunjammal @ Nallammal

4.Kesavan

5.Rani

6.Valarmathi

... Petitioners

Vs.

1.Pappayammal

2.Sarasu

3.Selvi

4.Chandrasekaran

5.Eswari

6.Kunjammal

7.Nagarajan

(Notice to R6 & R7 given up)

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the trial Court to dispose of the petition in I.A.No.374 of 2014 in O.S.No.327 of 1988 on the file of the District Munsif Court, Sankari

within the time limit fixed by this Court.

For Petitioners : Mr.N.Manokaran

ORDER

The plaintiffs 7 to 12 in O.S.No.327 of 1988 on the file of the District Munsif Court, Sankari have filed the above Civil Revision Petition to direct the trial Court to dispose of the final decree application in I.A.No.374 of 2014 in O.S.No.327 of 1988 within a time frame.

2.The plaintiffs filed the suit in O.S.No.327 of 1988 for partition and separate possession.

3.The trial Court passed a preliminary decree for partition, against which the defendants preferred an Appeal in A.S.No.16 of 2007 on the file of the Sub Court, Sankari and the Lower Appellate Court also confirmed the judgment and decree of the trial. Aggrieved over the same, the defendants preferred a Second Appeal in S.A.No.1298 of 2014 before this Court and this Court also dismissed the Second Appeal and confirmed the preliminary decree passed by the Courts below. Pursuant to the preliminary decree passed in O.S.No.327 of 1988, the plaintiffs filed a final decree application in I.A.No.374 of 2014 before the trial Court.

4.The learned counsel appearing for the petitioner submitted that

though the final decree application was filed in the year 2014, the trial Court has not passed the final decree till today. Further, the learned counsel submitted that in view of the long pendency of the matter, the plaintiffs are put to hardship and prejudice.

5. Having regard to the submissions made by the learned counsel for the petitioners, taking into consideration the limited prayer sought for in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the District Munsif, Sankari to dispose of the final decree application in I.A.No.374 of 2014 in O.S.No.327 of 1988, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With these observations, the Civil Revision Petition is disposed of.

No costs.

Index : No
Internet : Yes
va

21.06.2016

To

The District Munsif Court,
Sankari.

M.DURAIWAMY,J.
va

C.R.P.(NPD).No.1753 of 2016

21.06.2016