

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) Nos.2492 and 2591 of 2016

and

C.M.P.No.12877 of 2016

in

C.R.P.(PD) No.2492 of 2016

K.Sivagami

... Petitioner

vs.

1.G.Lakshmanan

2.L.Pandian

... Respondents

Civil Revision Petition No.2492 of 2016 filed under Section 115 of the Civil Procedure Code against the fair and decretal order dated 12.08.2015 passed in I.A.No.25 of 2015 in O.S.No.135 of 2013 on the file of the District Munsif, Katpadi.

Civil Revision Petition No.2591 of 2016 filed under Section 115 of the Civil Procedure Code against the fair and decretal order dated 23.03.2016 passed in I.A.No.830 of 2015 in O.S.No.135 of 2013 on the file of the District Munsif, Katpadi.

For Petitioner : Mr.N.Sampath

For Respondents : Mr.M.Jayaprakash

ORDER

The petitioner filed a suit for partition. Since the respondents failed to appear before the Trial Court, they were set exparte. Thereafter, exparte preliminary decree was passed. The petitioner armed with the exparte preliminary decree filed an Application to pass a final decree. After receipt of summons, the respondents filed two Applications, one to condone the delay in filing the Application to set aside the exparte preliminary decree, and the other to set aside the exparte preliminary decree. The Applications were allowed by the Trial Court notwithstanding the objection raised by the petitioner. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The suit is one for partition. The petitioner has no case that the respondents are not entitled to a share. Final decree is yet to be passed. The learned trial Judge was, therefore, perfectly correct in allowing the Applications in I.A.No.830 of 2015 and 25 of 2015.

4. In the result, the Civil Revision Petitions are dismissed. No costs. Connected Miscellaneous Petition is closed.

5. The matter is of the year 2013. The trial Judge is directed to dispose of the suit in O.S.No.135 of 2013, as expeditiously as possible and, in any case within a period of four months from the date of receipt of a copy of this order.

28.09.2016

Index : yes / no
Internet :yes / no
asvm

Copy to :
The District Munsif, Katpadi.

K.K.SASIDHARAN, J.

(asvm)

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