

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

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THE HONOURABLE **Mrs. JUSTICE. S.VIMALA**

Civil Revision Petition (NPD) No.371 of 2016

G.Jayalakshmi (Died)
V.S.Dhandapani

... Petitioner

Vs.

1. J.Gireesan
2. J.Sundar
Chinnasami Gounder (Died)
3. Raji @ Durgambal
4. Sulochana
5. Ramajayam
6. Manimegalai
7. Alamelu
8. Mohan

... Respondents

Prayer :- Civil Revision Petition (NPD) filed under Article 227 of the Constitution of India, to direct the learned Additional Subordinate Judge, Thiruvannamalai, to dispose of I.A.No.115 of 2009 in O.S.No.116 of 1996 on merits, within a time frame that may be fixed by this Court, so as to expedite the disposal of the said final decree application in I.A.No.115 of 2009.

For Petitioner : Mr. J.Ramakrishnan

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ORDER

This Civil Revision Petition has been filed seeking direction to the learned Additional Subordinate Judge, Thiruvannamalai, to dispose of

I.A.No.115 of 2009 in O.S.No.116 of 1986, on merits, within a limited time frame that may be fixed by this Court and also to expedite the disposal of the final decree application.

2. Originally one G.Jayalaksmi, as plaintiff, has filed a suit in O.S.No.116 of 1986, before Sub Court, Thiruvannamalai, seeking partition and separate possession. A decree was passed on 24.04.1992. Thereafter, the matter was taken-up in an appeal in A.S.No.425 of 1992. The appeal was heard along with the and Cross Objection No.56 of 2005, filed by the respondents. The said appeal was dismissed and the decree passed in O.S.No.116 of 1986 came to be confirmed. Thereafter, an Interlocutory Application in I.A.No.115 of 2009 has been filed for passing of a final decree.

3. Against the judgment and decree, dated 22.12.2008, in A.S.No.425 of 1992, a Special Leave Petition in S.L.P.No.20216 of 2009 was filed before the Supreme Court and the said SLP was also dismissed on 29.10.2013.

4. Thereafter, Interlocutory Applications have been filed, pending disposal of the final decree application. The details of the pending

Interlocutory Applications are as under:-

(i) I.A.No.199 of 2014 has been filed for impleading, respondents 3 and 4, who were already on record in the Appeal, but omitted to be impleaded in the original final decree application.

(ii) I.A.No.200 of 2014 has been filed by D-1 and D-2, seeking condonation of delay in filing the objections to the Commissioner's report.

(iii) I.A.No.414 of 2014 has been filed by D-9, seeking condonation of delay in filing the objections to the Commissioner's report.

(iv) I.A.No.413 of 2014 has been filed by the defendants, seeking allotment of a share, on payment of requisite court fee.

5. All the aforesaid four Interlocutory Applications stand as an impediment for the disposal of the final decree application.

6. Claiming that the petitioner herein is a senior citizen, aged about 72, having undergone surgery for ailment, is now seeking direction for speedy disposal. Under normal circumstances, this Court would have issued notice to the respondents, but, since the suit is pending from the year 1986 and some of the defendants had already

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paid the Court fee, seeking allotment of their share, the defendants also might be interested in speedy disposal of the final decree application.

7. Inasmuch as the SLP itself has been dismissed, there cannot be any impediment for passing orders in the final decree application, but for the pending Interlocutory Applications, referred to supra. Speedy trial is the fundamental right of the litigant. Therefore, the Court below is directed to give top priority to the pending Interlocutory Applications and dispose the same, preferrably within a period of two months from the date of receipt of a copy of this order.

8. This Civil Revision Petition is disposed of accordingly. No costs.

11.02.2016

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To

1. The Additional Subordinate Judge, Thiruvannamalai
2. The Section Officer, V.R.Section, Madras High Court, Chennai

C.R.P. (NPD) No.371 of 2016