

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.01.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.84 of 2016
and C.M.P.No.434 of 2016

S.Rajendran

.. Petitioner/Plaintiff

Vs.

1.S.Saroja

2.Devikala alias Jayanthi

3.Vijayalakshmi

.. Respondents/Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order of closing the memo dated 14.12.2015 in O.S.No.7611 of 2005 on the file of the learned VII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.M.V.Muralidharan

ORDER

Civil Revision Petition is filed against the order of closing the memo dated 14.12.2015 in O.S.No.7611 of 2005 on the file of the learned VII Assistant Judge, City Civil Court, Chennai.

2.The revision petitioner herein as a plaintiff filed a suit for partition and separate possession of 1/4th share in the suit property. A preliminary decree was passed. In the final decree proceedings, the Advocate Commissioner was appointed and filed his report. At the time of passing final decree, the plaintiff/revision petitioner has filed a memo to refer the matter for Mediation or Lok Adalat. Since the counsel for defendants objected the matter to be referred before the Lok Adalat, the trial Court closed the memo by recording the same, against which, the present revision has been preferred by the plaintiff.

3.At the time of admission, argument of the learned counsel for the revision petitioner is heard in length.

4.According to the revision petitioner, there is a possibility for settlement. But on 14.12.2015, it was clearly mentioned by the counsel for the defendants that they objected to refer the case before the Lok Adalat and on that basis only, memo has been closed.

5.Considering the aforestated circumstances of the case, I do not find any reason to interfere with the order passed by the trial Court and hence, it is hereby confirmed. Therefore, the civil revision petition is dismissed with costs. The revision petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Chief Minister's Flood Relief Fund. Since the suit is of the year 2005 and Commissioner has already filed a report in the final decree proceedings, the trial Court is directed to dispose of the final decree application within a month from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

20.01.2016

Index:Yes/No

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To

VII Assistant Judge, City Civil Court, Chennai.

R.MALA,J.

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