



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (MD) No.1723 of 2016 (PD)

S.Murugesan

... Petitioner/Plaintiff

Vs.

1.Rajalakshmi
2.Ponnathal (died)
3.Muthu Velammal
4.Pushpavalli

... Respondents/Defendants 1 to 4

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Ramanathapuram, to dispose of I.A.No.389 of 2012 in O.S.No.47 of 1989 within a time frame fixed by this Court.

For Petitioner : Mr.D.P.Sundar Raj

ORDER

This revision is filed seeking for a direction to the Subordinate Court, Ramanathapuram, to dispose of I.A.No.389 of 2012 in O.S.No.47 of 1989, within a time frame.

2. Heard the learned counsel for the petitioner and perused the records.

3. Mr.D.P.Sundar Raj, learned counsel for the petitioner would submit that the petitioner instituted a suit against the respondents for partition. The preliminary decree and final decree passed in the suit have attained finality and thereafter the petitioner filed an application in I.A.No.389 of 2012 to ascertain mesne profits by appointing an Advocate Commissioner. Though it was filed in the year 2012, it has been successfully protracted by the respondents with an ulterior motive. The delay in the disposal of the application causes great mental agony and loss to the petitioner.

4. Considering the submission of the learned counsel for the petitioner and without going into the merits of the case, the learned Subordinate Judge, Ramanathapuram, is directed to dispose of I.A.No.389 of 2012 in O.S.No.47 of 1989, as expeditiously as possible, preferably, on or before 31.12.2016.



5. With the above direction, this Civil Revision Petition is disposed of. No Costs.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Ramanathapuram.

+ 1 CC TO MR.D.P.SUNDARA RAJ, ADVOCATE IN SR No. 49552

PJL

TE/GSV-PM/SAR-I : 19/09/2016 : 2P/3C

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