



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.2565 of 2016 (PD)

1.Dhanam @ Dhanalakshmi
2.Poongothai
3.Annakili
4.Nagammal

.. Petitioners/Plaintiffs

Vs.

Kanagaraj Asari

..Respondent/Defendant

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Subordinate Court, Pudukottai to dispose the I.A.No.124 of 2016 in O.S.No.16 of 2010, within the time limit fixed by this Court.

For Petitioners : Mr.N.Kamesh

ORDER

The petitioners have filed this Civil Revision Petition to direct the Subordinate Court, Pudukottai, to dispose I.A.No.124 of 2016 in O.S.No.16 of 2010, within the time limit, fixed by this Court.

2.The petitioners are the plaintiffs. The respondent is the defendant in the suit. The petitioners filed a suit in O.S.No.16 of 2010, before the Sub Court, Pudukottai, for passing of a preliminary decree for partition claiming 4/5th shares to the petitioners, on the ground that the suit properties are joint family properties. The said suit was decreed by the judgment and decree, dated 10.09.2012. Against the said judgment and decree, the respondent filed A.S.No.2 of 2013. The said appeal suit was allowed by the judgment and decree, dated 02.06.2014. Aggrieved by the said judgment and decree, the petitioners filed S.A.No.615 of 2014 before this Court. The second appeal was allowed on 28.09.2015. Now the petitioners filed I.A.No.124 of 2016 under Order 26 Rule 13 of C.P.C., before the Sub Court, Pudukottai. In the said application, notice was ordered to the respondent and I.A., was adjourned to 04.04.2016. On that day, the counsel for the respondent took time for filing counter and subsequently, the case was adjourned without any progress and it is posted to 04.01.2017. The respondent has not taken any steps to conduct the case and wantonly delayed the final decree proceedings. In the circumstances, the petitioners have come out with the present Civil Revision Petition.



3.I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.Having been taken into consideration of the material facts and circumstances, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the Trial Court.

5.Accordingly, this Civil Revision Petition is allowed. The learned Sub Judge, Pudukottai, is directed to dispose I.A.No.124 of 2016 in O.S.No.16 of 2010, as expeditiously as possible, in any event, not later than 30th June, 2017. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar.

To
The Subordinate Judge, Pudukkottai.

+1 cc to M/S.N.KAMESH, Advocate SR.No.81772

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SMA/GSV/SV/12.1.2017/2p/3c

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