

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(NPD).No.1518 of 2017

Lakshmi (died)

S.Ganesan

.. Petitioner

Vs.

M.Shanmugam (died)

Nagammal (died)

1. M.Palanisamy

2. S.Deivanai

3. S.Kathiresan @ Kathirvanan

4. S.Santhakumari

5. S.Sasikala

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the First Additional District Munsif Court, Coimbatore to expeditiously dispose of I.A.No.919 of 2008 in O.S.No.1632 of 1983.

For Petitioner : Mr.V.P.Valliappan

ORDER

The petitioner has filed the present Civil Revision Petition seeking direction to the learned I Additional District Munsif, Coimbatore to dispose of the I.A.No.919 of 2008 in O.S.No.1632 of 1983 as expeditiously as possible, within the time frame to be fixed by this Court.

2. According to the petitioner, the deceased Lakshmi filed O.S.No.1632 of 1983 on the file of I Additional District Munsif Court, Coimbatore and it was decreed on 08.10.1991. Then, A.S.No.44 of 1991 was filed by the respondents on the file of II Additional Subordinate Judge's Court, Coimbatore and the appeal was dismissed on 21.04.1994. Then, the petitioner filed I.A.No.919 of 2008 in O.S.No.1632 of 1983. Since there were some discrepancies in the survey number, an amendment petition in I.A.No.1258 of 2012 was filed , wherein an ex parte order was passed. Against the said order, the respondents have filed an I.A.No.244 of 2016 now pending on the file of I Additional District

Munsif Court at Coimbatore. Hence, the petitioners have filed the present Civil Revision Petition to dispose of the same.

3. According to the counsel for the petitioner, the respondents herein filed an I.A.No.244 of 2016 to set aside the ex parte order passed in I.A.No.1258 of 2012. The said application is pending before the I Additional District Munsif Court, Coimbatore. Now, the petitioner is aged more than eighty years. The petitioner filed O.S.No.1632 in the year 1983 for partition. The suit was decreed and the appeal suit was dismissed in the year 1994. For more than twenty years, the petitioner could not enjoy the execution of the decree. Therefore, the petitioner has filed the present Civil Revision Petition to dispose of I.A.No.919 of 2008.

4. In view of the submissions made by the counsel for the petitioner, it is seen that the I.A.No.244 of 2016 filed by the respondent herein is pending before the I Additional District Munsif Court, Coimbatore. At this stage, this court is inclined to direct the Court below to dispose of the I.A.No.244 of 2016 on merits and in accordance with

law, preferably on or before 30.07.2017. Thereafter, the Court below shall take into consideration that the petitioner is a senior citizen, and dispose of the applications in I.A.No.1258 of 2012 and then, I.A.No.919 of 2008, as expeditiously as possible.

5. The Civil Revision Petition is disposed of with the above direction. No Costs.

26.04.2017

Index : Yes/No
Internet: Yes/No
lok

D.KRISHNAKUMAR.J,

lok

To

1.The I Additional District Munsif Court.
Coimbatore.

C.R.P.(NPD).No.1518 of 2017

26.04.2017

<http://www.judis.nic.in>