

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP.NPD.No.199 of 2017

1. Shanmugavadiyu

2. Santhi

.. Petitioners

Vs.

1. S. A. Vaiyapuri

2. S.K. Dinakaran

3. S.K. Kirubakaran

4. S.K. Karunakaran

.. Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, for issuance of a direction to dispose of the final decree petition in I.A. No.1215 of 2016 in O.S No.304 of 2005 on the file of the District Munsif Court, Sankari.

For Petitioner : Mr. P. Jagadeesan

For Respondents : Mr. A. Ragupathy for R1

Mr. C. Munusamy for R3

ORDER

The petitioners have filed this Civil Revision Petition seeking for a limited prayer to direct the District Munsif Court, Sankari to dispose of the I.A. No.1215 of 2016 in O.S No.304 of 2005 pending on his file, within a time frame stipulated by this Court.

2. Brief facts of the case is as follows :-

Originally, the father of the petitioners, deceased S.A. Kuppusamy, filed a suit in O.S. No.304 of 2005 before the District Munsif Court, Sankari for partition against the 1st respondent. The aforesaid Kuppusamy died on 22.05.2007, after a preliminary decree for partition was passed on 18.07.2003. Thereafter, the petitioners, who are the daughters of the deceased Kuppusamy, filed a suit in O.S. No.75 of 2010 for partition in respect of some other properties, against the respondents 2 to 4/ brothers of the petitioners. Pending the said suit, the 1st respondent filed an application in I.A. No.1215 of 2016 for passing of final decree, against the legal heirs of the deceased Kuppusamy. In the meantime, the 3rd respondent filed an application in I.A. No. 1758 of 2016 in I.A. No. 1215 of 2016, seeking to stay the final decree

application, pending disposal of the suit in O.S.No.75 of 2010. Since the same was dismissed by the Sub Court, Sankari on 20.02.2017, the 3rd respondent filed a revision in CRP No. 1069 of 2017 and the same is pending before this Court.

3. According to the learned counsel for the petitioners, the Interlocutory Application in I.A. No.1215 of 2016 was filed in the year 2016 and the said application was getting adjourned from time to time. The preliminary decree has been passed on 18.07.2003 and thereafter the matter is pending for long years. In view of the above facts, this civil revision petition is filed before this Court, seeking the aforesaid prayer.

4. Learned counsel for the 1st respondent submitted that the said application is still pending before the court below and in view of CRP No.1069 of 2017 dismissed by this Court, the respondents also should cooperate for the final disposal of the aforesaid Interlocutory Application, before the lower court.

5. In view of the facts and circumstances of the case, this Court is inclined to direct the court below to dispose of the Interlocutory Application in I.A. No. 1215 of 2016 in O.S. No. 304 of 2005 pending on the file of the District Munsif Court, Sankari, in accordance with law, as expeditiously as possible, preferably within a period of five months from the date of receipt of a copy of this order.

6. The Civil Revision Petition is disposed of, with the above direction. No order as to costs.

16.06.2017

Index: Yes/No

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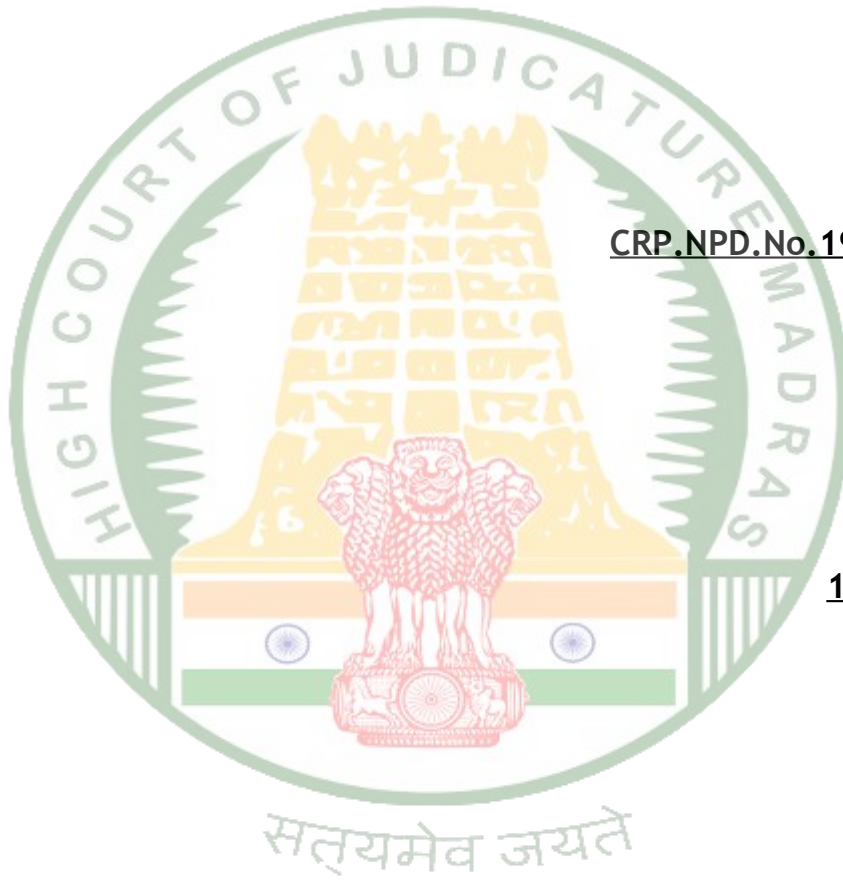
To

The District Munsif Court
Sankari.

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D. KRISHNAKUMAR J.

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