

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.2 of 2017

S.Kasturi

.. Petitioner

Vs.

1. Parameswari @ Janaki
2. Amurdavally @ Gnanam
3. Kamala
4. Anandasundaralakshmi
5. Ananda Siva Samba Sakthi
6. Anandayee @ Rajam

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying for a direction to the Additional Sub-Judge, Puducherry, to dispose of the suit in O.S.No.243 of 1999 within time frame as may be fixed by this Court.

For petitioner : Mr.Prakash Adiapadam

ORDER

The petitioner has filed this revision petition seeking for a direction to the learned Additional Sub-Judge, Puducherry to dispose of O.S.No.243 of 1999 filed for partition, within a time frame.

2. It is the grievance of the petitioner that the said suit is pending before the Court for nearly two decades without any preliminary decree. It was dismissed for default on various occasions. It is alleged by the

petitioner that the suit properties are not Hindu undivided family properties as stated in the plaint and it is exclusively and absolutely self-acquired properties of the petitioner's late husband, who died intestate leaving behind the petitioner as the sole legal heir of the entire estate. It is further alleged by the petitioner that she has filed a suit before the Principal District Munsif Court, Puducherry in O.S.No.542 of 2002 for declaration that she is the sole legal heir of her late husband and the said suit was decreed on 12.11.2002. Subsequently, O.S.No.43 of 2004 was filed by the third and fifth respondents herein before the Second Additional District Munsif Court, Puducherry, for declaring that the said judgment and decree dated 12.11.2002 was obtained by playing fraud and the same is not binding on them and the said O.S.No.43 of 2004 was dismissed on 22.08.2005, against which, appeal in A.S.No.19 of 2006 was preferred before the Additional Sub-Court, Puducherry, which was also dismissed on 24.04.2007. No Second Appeal is preferred against the same, and therefore, the earlier decree dated 12.11.2002 passed in O.S.No.542 of 2002, has become final. It is seen that there were several branch suits between the parties, which were disposed of, all of which were filed subsequent to the present suit in O.S.No.243 of 1999. Hence, it is the contention of the petitioner that the present suit is liable to be dismissed summarily.

3. It is the further grievance of the petitioner that the respondents are claiming right over the suit properties and are dragging on the proceedings without contesting the suit. It is her further grievance that she having not been blessed with any child and being more than 65 years and surviving with health problems, wants to know the result of the present suit at once without any further delay, inspite of the fact that the suit is pending for nearly two decades. Hence, she has filed this revision petition for the above relief.

4. Taking into consideration the fact that the suit is pending for nearly two decades and also taking into account the above facts, without going into the merits or otherwise of the pleadings made in the plaint and that the suit vintage is of 1999, this Court directs the learned Additional Sub-Judge, Puducherry, to dispose of the suit in O.S.No.243 of 1999 on or before 30.04.2017.

5. With the above directions, the Civil Revision Petition is disposed of. No costs.

06.01.2017

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Copy to
The Additional Sub-Judge, Puducherry.

PUSHPA SATHYANARAYANA, J

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