

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 3785 of 2017

Vijayabalan

.. Petitioner

Vs

1. Murugaiyan
2. Pachayammal
3. Gunasekaran
4. Iyyapan
5. Annakili
6. Venkatesan
7. Vinoth Kumar
Radha Krishnan (deceased)
8. Sub-Registrar,
Nannilam.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif-cum-Judicial Magistrate, Nannilam, to dispose of the application in I.A.No.320 of 2015 in O.S.No.41 of 2015 within a stipulate period.

For Petitioner : Mr. R. Shanmugam, Sr. Counsel
for Mr.S.V.Karthikeyan

ORDER

This Civil Revision Petition is filed seeking to direct the District Munsif-cum-Judicial Magistrate, Nannilam, to dispose of the application in I.A.No.320 of 2015 in O.S.No.41 of 2015 within a stipulate period.

2. According to the petitioner, the 1st respondent filed a suit in O.S. No. 41 of 2015 for partition and declaration of the Will dated 22.03.1991 as not maintainable and barred by limitation. During trial, the 8th defendant in the suit died on 23.07.2015 and hence an application was filed in I.A. No.320 of 2015 under Order 22 Rule 4(1) of CPC, to implead the legal representatives of the deceased 8th defendant. Notice has been served to the defendants and counter affidavit has also been filed by the respondents/ defendants, except 9th defendant. Hence, the Interlocutory Application was merely adjourned from time to time, without disposing the said application. Therefore, the present revision has been filed before this court, for the aforesaid limited scope of prayer.

3. The learned senior counsel appearing for the petitioner would submit that I.A. No. 320 of 2015 was filed on 12.10.2015. All the respondents have filed their counter affidavit except the 9th defendant/respondent, who is an official respondent. For the said reason, the matter is being dragged on, for all these years. Hence, he prayed for disposal of the said Interlocutory Application, within the time framed by this Court.

4. Considering the submission of the learned senior counsel and the above said facts, this Court is inclined to direct the court below, to dispose of the I.A. No. 320 of 2015, in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

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

23.10.2017

avr

To

The District Munsif-cum-
Judicial Magistrate, Nannilam,

D. KRISHNAKUMAR J.,

avr



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