



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(NPD) (MD)No.1734 of 2017

Muthusamy Raja (Died)
J.Sudhan

... Petitioner

vs.

1)Alagar raja
2)Renukha
3)Rengasamy Naicker
4)Lakshmanaperumal
5)Jeganatharaja

... Respondents

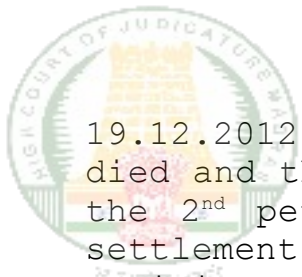
Petition filed under Article 227 of the Constitution of India, directing the learned Subordinate Judge, Srivilliputhur, to dispose of the I.A.No.336/2009 in O.S.No.202 of 1998 within a stipulated period as to be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Thirunavukkarasu

ORDER

This revision petition has been filed to issue a direction to the learned Subordinate Judge, Srivilliputhur, to dispose of I.A.No.336/2009 in O.S.No.202 of 1998 within a time frame to be fixed by this Court.

2.The learned counsel for the petitioner would aver that the 1st respondent filed O.S.No.202 of 1998 against the respondents 2 to 4 and the deceased Muthusamy Raja before the Sub Court, Srivilliputtur for partition and separate possession of half share. The said suit was decreed in part and a preliminary decree for partition was passed on 08.08.2001, against which, the 1st respondent filed A.S.No.41 of 2003 before the District Court, Srivilliputtur which came to be dismissed by judgment and decree dated 26.10.20017. Aggrieved over the same, the 1st respondent filed S.A.No.102 of 2010 and the same was dismissed. Pending second appeal, the deceased Muthusamy Raja filed a final decree application in I.A.No.336 of 2009 and along with the same, he also filed I.A.No.337 of 2009 for appointment of Advocate Commissioner to measure the suit property for allotting the shares to the parties. In the said application, an Advocate Commissioner was appointed and he filed his report along with plan as early as on



19.12.2012. In the meantime, the sole petitioner/1st defendant died and therefore the revision petitioner herein was impleaded as the 2nd petitioner since the deceased Muthusamy Raja executed a settlement deed in favour of his grandson Sudhan, the revision petitioner herein.

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3.The learned counsel for the petitioner would further contend that without any reason, the final decree application is being given several adjournments. Further, the suit is pending from 1998 and the 1st defendant died without even enjoying the fruits of the decree. It is also contended that pending final decree application, the revision petitioner filed I.A.No.742 of 2016 to permit him to purchase Item A in the 1st suit schedule property in the court auction sale to be conducted by the Advocate Commissioner. However, the learned Judge is simply adjourning the final decree application from 2009 onwards citing pendency of I.A.No.742 of 2016. Hence, this revision petition.

4.Since it is only a petition for early disposal of the suit which is pending from 1998 onwards, no notice is necessary to the respondents herein.

5.Considering the submissions made by the learned counsel for the petitioner and the pendency of the suit which is nearing 2nd decade, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Accordingly, a direction is issued to the learned Subordinate Judge, Srivilliputhur, to dispose of O.S.No.202 of 1998 along with all connected interlocutory applications within a period of three months from the date of receipt of a copy of this order.

With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Court,
Srivilliputhur.

+1cc to M/s. M.THIRUNAVUKKARASU Advocate in SR. No. 83098
BALA
JS/KK/SAR.2/30.10.2017/2P-3C

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