



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.10.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

CRP (NPD) (MD) Nos.1814 and 1815 of 2017

P.Rajakumar

... Petitioner in both CRPs

vs.

1) P.Rajendran

2) P.Rajam

3) P.Rajalekshmi

4) P.Sivakami

... Respondents in both CRPs

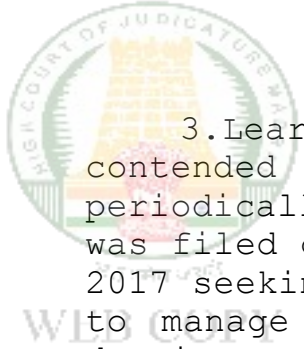
Petitions filed under Article 227 of the Constitution of India, to pass an order directing the District Court, Kanyakumari District at Nagercoil to dispose the Interlocutory Applications in I.A.Nos.90 and 91 of 2017 in A.S.No.47 of 2016 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.D.Nallathambi

COMMON ORDER

These revision petitions have been filed to direct the District Court, Kanyakumari District at Nagercoil to dispose the Interlocutory Application in I.A.Nos.90 and 91 of 2017 in A.S.No.47 of 2016 within a time frame to be fixed by this Court.

2.The revision petitioner is the 1st respondent in A.S.No.47 of 2016. The 1st respondent is the appellant and the respondents 2 to 4 are respondents 2 to 4 in the appeal. The revision petitioner filed O.S.No.147 of 2009 on the file of I Additional Subordinate Court at Nagercoil for the relief of partition. The Trial Court by judgment and decree dated 27.04.2016 decreed the suit on certain terms. Aggrieved by the same, the 1st respondent herein filed A.S.No.47 of 2016. Pending appeal, on 05.04.2017, the revision petitioner filed I.A.No.90 of 2017 to appoint an Advocate Commissioner and to direct him to manage the petition schedule properties for the purpose of drawing water from the Well in item N.5 as per clause (iv) of the decree for the purpose of irrigating the suit schedule properties. On 07.04.2017, the 1st respondent filed I.A.No.91 of 2017 seeking to stay all further proceedings in the final decree proceedings in I.A.Nos.290/2016 and 291/2016 till the disposal of the appeal.



3.Learned counsel appearing for the revision petitioner contended that both the applications are being adjourned periodically for the last six months although counter affidavit was filed on 18.04.2017. Further, the application in I.A.No.90 of 2017 seeking to appoint an Advocate Commissioner and to direct him to manage the petition schedule properties for the purpose of drawing water from item N.5 in the well to item Nos.1, 5, 6, 7 and 10 is important for the purpose of irrigating the suit schedule properties. Hence, the petitioner has come up with the present revision petitions.

4.Since the present revisions are only for early disposal of the interlocutory applications, no notice is necessary to the respondents herein.

5.Considering the circumstances of the case and without adverting to the merits of the case, this Court feels that ends of justice would be met if there is a direction to the learned Judge to expedite the disposal of the above interlocutory applications. Accordingly, the learned District Judge, Kanyakumari District at Nagercoil, is directed to dispose of I.A.Nos.90 and 91 of 2017 in A.S.No.47 of 2016 in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, these Civil Revision Petitions are disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To
The District Judge,
Kanyakumari District at Nagercoil.

+1cc to Mr.D.NALLATHAMBI, Advocate, SR.84266

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