



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2492 of 2017(PD)

J.Muthulakshmi

... Petitioner/Appellant/Plaintiff

-Vs-

1.S.Ramesh Pandian

2.Kamatchiammal

3.Pandiselvi

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to pass order for speedy disposal of the appeal in A.S.No.10 of 2015 on the file of the Sub Court, Periyakulam within the stipulated time as fixed by this Court.

For Petitioner : Mr.R.Nandakumar

O R D E R

This Civil Revision Petition has been filed seeking a direction to the Sub Court, Periyakulam to dispose of A.S.No.10 of 2015 within the time fixed by this Court.

2.The learned counsel for the petitioner would aver among other things that the first respondent is the own brother and the second and third respondents are the sisters of the petitioner. The petitioner, as plaintiff, has filed the suit in O.S.No.237 of 2012 before the Munsif Court, Periyakulam for declaration declaring that the alleged execution of the Will dated 13.08.1999 by the plaintiff's mother in favour of the first defendant's son is null and void and the entire execution of the Will is not binding on the plaintiff. Hence she has no right to execute it and also to pass preliminary decree and judgment for partition of plaintiff's 1/4th



share in all the suit properties by metes and bounds and allot the plaintiff's specific portion of the same and direct the first defendant to give accounts in respect of income from the suit properties to the plaintiff from the date of presentation of plaint till the date of delivering the possession of the plaintiff's 1/4th share in respect of suit properities. The defendants 2 and 3/respondents 2 and 3 have filed written statement and after the trial, the suit was dismissed on 12.8.2015 by the District Munsif Court, Periyakulam.

3. Against the decree passed in O.S.No.237 of 2012, the petitioner has filed A.S.No.10 of 2015 on the file of the Sub Court, Periyakulam and notice was served on the respondents and they entered appearance on 16.11.2015. The appellant's side argument was heard on 10.01.2017. Thereafter, the Appeal Suit was posted for argument on 17.01.2017 as a last chance. But till day they have not come forward to make their arguments. According to the petitioner, the respondents colluding with them has filed the vexatious petitions in I.A.No.10 of 2016, I.A.No.13 of 2017, I.A.No.29 of 2017, I.A.No.64 of 2017 and I.A.No.65 of 2017 to prolong the matter and therefore, the petitioner has come forward with the Civil Revision Petition for early disposal of the Appeal Suit.

4. Since this Civil Revision Petition is filed for early disposal of the Appeal Suit, no notice is necessary to the respondents herein.

5. Considering the facts and circumstances of the case and considering the fact that the Appeal Suit is pending from the year 2015, this Court feels that ends of justice would be met by directing the Court below to dispose of the Appeal Suit within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Subordinate Judge, Periyakulam, to dispose of the Appeal Suit in A.S.No. 10 of 2015 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



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

WEB COPY

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Periyakulam.

+1cc to M/S.R.NANDAKUMAR, Advocate SR.No.93971.

C.R.P. (MD) No.2492 of 2017
20.12.2017

CM

SDS/SKN:RSK/SAR 4/08.01.2018/3P/3C