



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

CORAM :

WEB COPY

**THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN**

C.R.P.(PD)(MD)No.792 of 2017

1.Thajunnisa Begum  
2.Minor I.Osama  
3.Minor K.Adul  
Minor P2 and P3 represented by their  
Mother P1 ... Petitioners/Petitioners/Plaintiffs

Vs.

1.S.Nagoor Gani  
2.Rashida Begum  
3.N.Fathima  
4.N.Muthu

5.Minor N.Nisha  
6.Minor N.Shahul Hameed  
R5 and R6 represented by their Father R1

7.Amir Ghani  
8.Mookkammal

9.Life Insurance Corporation of India,  
Divisional Office,  
Thanjavur.

10.Life Insurance Corporation of India,  
Unit Branch,  
Tiruchirappalli.

11.Indian Overseas Bank,  
Vayalur Road Branch,  
Tiruchirappalli.

12.Indian Overseas Bank,  
Main Guard Branch,  
Tiruchirappalli.

13.Vijaya Bank,  
S.P.P.O. Branch,  
Tiruchirappalli.



14. Bank of Maharashtra,  
Chinnakadai Street Branch,  
Tiruchirappalli.

15. John Moses

16. Sumi Colour Galaxy  
No.153, ARV Complex,  
Salai Road,  
Tiruchirappalli.

17. Reliable Gas Services,  
No.10E/3 Sastri Road,  
Tennur, Tiruchy - 17  
By its Partners  
APK Moorthy and APK Ashok

18. T.T.K. Prestige Limited,  
Chinthamani,  
Tiruchirappalli.

19. Victor

20. Masi

21. Muthu

22. Pitchaimmal

23. Pattayadar

24. Periyasamy

25. Mayavan

26. Alagesan

27. Prakash

... Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to dispose of I.A.No.108 of 2014 in O.S.No.28 of 2008 on the file of the Hon'ble II Additional District Judge, Tiruchirappalli.

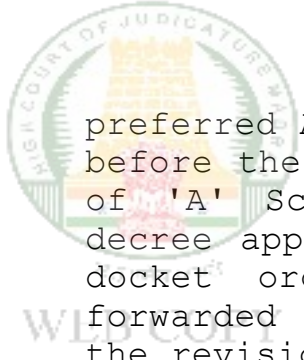
For Petitioner : Mr.N.Sudhagar Nagaraj

### O R D E R

This Civil Revision Petition is filed seeking early disposal of I.A.No.108 of 2014 in O.S.No.28 of 2008 on the file of the Hon'ble II Additional District Judge, Tiruchirappalli.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The revision petitioners are the plaintiffs in O.S.No.28 of 2008. The preliminary decree of partition regarding 1<sup>st</sup> item of 'A' Schedule property alone was allowed. Aggrieved by the decree as regards the disallowed portion, the plaintiffs have



preferred Appeal Suit in A.S.No.90 of 2013 and the same is pending before the High Court. Insofar as the allowed portion i.e 1<sup>st</sup> item of 'A' Schedule property, the plaintiffs have preferred final decree application and the same has been pending since 2014. The docket order indicates that the material records have been forwarded to the High Court pursuant to the appeal suit filed by the revision petitioners regarding the disallowed portion.

4. The learned counsel appearing for the revision petitioners submits that no appeal is filed against the decreed portion i.e in respect of 1<sup>st</sup> item of 'A' schedule property and therefore, there is no legal impediment for the trial court to proceed with the final decree application. However, for want of material records, the trial court is periodically adjourning the application without appointing an Advocate Commissioner to measure the property and demarcate as per the shares with metes and bounds.

5. From the records it appears that the above said fact is not placed before the trial court, which has forced the trial court to adjourn the matter for want of records. It is always open to the revision petitioners to place this fact by way of an affidavit before the trial court and seek for further proceedings in the final decree application. If the trial court requires the suit records for reference, it can address the High Court for furnishing the copy or original. If such request emanates from the trial Court, the Registry at High Court shall provide the copies requested by the trial court. If the trial court has any other administrative impediment, it is at liberty to seek clarification from this Court.

6. With the above observation, this Civil Revision Petition is dismissed with liberty to the revision petitioners to approach the trial court placing the entire facts on record by way of an affidavit and seek for further proceedings in the final decree application. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The IInd Additional District Judge, Tiruchirappalli.

Copy to:-

The Section Officer, V.R.Section,

Madurai Bench of Madras High Court, Madurai

+One cc to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.52629

Copy to: The Registrar (Judicial),

Madurai Bench of Madras High Court, Madurai