

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.R.P.(PD) No. 1251 of 2018

1. K. Ponnusamy
2. K. Kumar
3. K. Arulmurugan ..Petitioners

Vs.

1. Saraswathi
2. Balamani
3. Kanagaraj
4. Keerthana
5. Sudha
Ammasikuttu (died)
6. R. Govindasamy
Chinna Ramasamy Gounder (Died)
7. Kaliappa Gounder
8. Saminathan
9. Jeganathan
10. Sundarambal
11. Govindammal
12. Ananda kumar
13. Rajitha ..Respondents

Prayer: Civil Revision Petition under Article 227 of the Constitution of India to direct the learned Additional Subordinate Judge, Tiruppur to dispose of O.S. No. 447 of 2007 in a time bound manner.

For Petitioners :: Mr.T. Balaji

O R D E R

The petitioners are defendants 13 to 15 in O.S. No. 447 of 2007 on the file of learned Additional Subordinate Judge, Tiruppur, who have approached this Court seeking expeditious disposal of the said suit, which has been filed by the 1st respondent against them and others.

2. Heard the learned counsel for the petitioners.

3. Since the revision has been filed seeking a direction to the Trial Court to dispose of the aforesaid suit at the earliest, no notice is necessary to the respondents as early disposal of the suit will benefit all the parties to the suit.

4. The suit is one for partition filed by the 1st respondent herein against the petitioners and others. Written statements and additional written statements have been filed and issues have been framed as early as on 07.07.2015 and the matter is being listed from 04.08.2015 onwards for trial. On 15.11.2017, the Trial Court posted the matter to 22.11.2017 for appearance of both parties for trial. On 22.11.2017, though the defendants were ready, plaintiff was not present. Therefore, the trial was adjourned to 30.11.2017. Thereafter, an impleading petition has been filed and the same is said to have been allowed.

5. Taking into consideration the pendency of the suit for more than 11 years, there shall be a direction to the Trial Court to take up the suit in O.S. No.447 of 2007 pending on its file for trial and dispose of the same, on merits, as per law and after giving opportunity to all the parties concerned, on or before 30.09.2018. The Civil Revision Petition is disposed of accordingly. No costs.

28.03.2018

nv

(Note to Office: Issue order copy
by next week)

To

The Addl. Sub Court, Tiruppur.



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N. KIRUBAKARAN,J.

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