



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.2510 of 2016 (PD)

1.Ramesh
2.S.Elango

.. Petitioners/Plaintiffs

Vs.

Subbiah Thevar (Died)

1.K.R.Muthiah Thevar
2.Rajamanickam
3.Pazhaniyappan
4.Ravichandran
5.Senthil Kumar
6.Tmt.Ponnazhagi

..Respondents/Defendants

[Respondents 2 to 6 are the legal heirs of the 1st Respondent / 1st defendant who died before the date of Judgment of trial court]

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Learned Sub Ordinate Judge, Pudukkottai, Pudukkottai District, to expedite the trial in O.S.No.55 of 2006, within a stipulated period as fixed by this Court.

For Petitioners : Mr.K.Baalasundharam

ORDER

The petitioners have filed this Civil Revision Petition to direct the Learned Sub Court, Pudukkottai, Pudukkottai District, to expedite the trial in O.S.No.55 of 2006, within a stipulated period as fixed by this Court.

2.The petitioners filed suit in O.S.No.55 of 2006, before the Sub Court, Pudukkottai for passing of a preliminary decree for partition of plaintiffs 2/4th share in the suit property and handover the possession of the same to the plaintiffs and consequently to pass a final decree. The said suit was dismissed by the Judgment and decree, dated 19.08.2010. Against the said



judgment and decree, the petitioner filed A.S.No.1 of 2012 before the file of the Additional District Court, Pudukkottai. The said appeal was allowed by the judgment and decree, dated 17.04.2013 and the suit was remitted back to the trial Court, directing the trial Court to give sufficient opportunity to the petitioners to implead necessary parties pointed out in the written statement by the first respondent and also the purchaser of the property and permitted to let in oral and documentary evidence to mark the sale deed as allowed in I.A.No.134 of 2012 and to give sufficient opportunities to both sides to let in oral and documentary evidences and dispose of the suit in accordance with law. The petitioners filed I.A.No.736 of 2016 to implead the parties.

3.The grievance of the petitioners is that the trial Court is not taking up for hearing in I.A.No.736 of 2016 filed by the petitioners for impleading the necessary parties as per the order of the first appellate Court and the same was adjourned without any progress.

4.I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5.From the records, it is seen that the petitioner has filed the certified copy of the 'B' diary. It is seen from the 'B' diary, the application in I.A.No.736 of 2016 filed by the petitioner is adjourned from time to time for taking steps. In the circumstances, the petitioner has come out with the present Civil Revision Petition.

5.Considering the facts and circumstances of the case and grievance of the petitioner, this Court direct the Sub Court, Pudukkottai to dispose the I.A.No.736 of 2016 and suit in O.S.No.55 of 2006 as expeditiously as possible in any event, not later than 30th June, 2017.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar-

To

The Sub Ordinate Judge, Pudukkottai.

+1cc to Mr.K.Balasundharam, Advocate Sr.No. 80558

JAM/27.12.16/RR/ 2p-3c