

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CIVIL REVISION PETITION No.7415 of 2017

ORDER:

The grievance of the petitioner is that the court below is not taking up I.A.No.837 of 2012 in O.S.No.6 of 1987 filed by him for passing of final decree.

The petitioner contended that though he filed the interlocutory application in the year 2012 for appointment of Advocate-Commissioner and passing of final decree in terms of the preliminary decree, the learned court below is not taking up the said application.

The suit dates back to the year 1987 and it was filed for partition. After disposal of the suit, the matter went in appeal before the High Court and the Supreme Court. Ultimately, in the year 2012, the application for appointment of Advocate-Commissioner was filed for effecting division of the properties by metes and bounds and the Advocate Commissioner has submitted his report long back, but the court below is not taking up the application for disposal and to pass final decree, on the ground that the matter is of no urgency and there is no direction as such from the High Court or Supreme Court.

In view of the above, without going into the correctness or otherwise in the submissions of the parties, the Civil Revision Petition is disposed of at the stage of admission, directing the court below to take up I.A.No.837/2012 in O.S.No.6/1987 and dispose of the same, in accordance with law, within a period of 2 (two) months from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL,J

Date: 05.01.2018
Dsr

