

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 11.03.2019****CORAM****THE HONOURABLE MR. JUSTICE N.SATHISHKUMAR****C.R.P. (P.D) No.1058 of 2011**

1. Thiyagarajan
2. Parvathi
3. Rukmani
4. Premavathi
5. Vijaya
6. Krishnaveni
7. Kalaivani

.... Petitioners

1. Jeeva
2. Minor Rajkumar
3. Pannerselvam

.... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decretal order passed in I.A.No.24 of 2010 in I.A.No.12 of 2008 in O.S.No.54 of 2005 dated 21.06.2010 on the file of the Court of Additional Subordinate Judge, Mayiladuthurai.

For Petitioners : Mr.A.Muthukumar

For Respondents : Mr.S.Sounthar for R1 & R2
Not ready in notice-R3

ORDER

This Civil Revision Petition has been filed as against the fair and decretal order of the Trial Court passed in I.A.No.24 of 2010 in I.A.No.12 of 2008 in O.S.No.54 of 2005 wherein, the Commissioner has been appointed by the Trial Court to allot 1/8th share to the plaintiffs and remaining 7/8th share continuously to the defendants 1, and 3 to 8. Aggrieved over the same, this Civil Revision Petition has been preferred.

2. The only ground raised by the revision petitioners is that, they sought for allotment in a single plot but the Trial Court has not considered their request.

3. Heard the learned counsel appearing for both sides and perused the materials placed before this Court.

4. A perusal of the Trial Court order would reveal that the Trial Court has specifically ordered 1/8th share to be given to the plaintiffs and remaining 7/8th share continuously be given to the defendants 1 and 3 to 8. It means, that the continuation in the sense is that, it is only in a single plot.

5. In view of the above, I do not find any error in the order of the Trial Court. The Trial Court has specifically ordered 1/8th share to be given to the plaintiffs and remaining 7/8th share continuously to be given to the defendants 1 and 3 to 8 and the continuation in the sense it would be only in a single plot.

6. Therefore, I am of the view that except this clarification no further orders required to be passed in this Civil Revision Petition. However, the Advocate Commissioner so appointed by the Trial Court shall take into consideration that, after allotting 1/8th share to the plaintiffs and remaining 7/8th share shall be allotted in the single plot to the defendants.

7. With the above observation, this Civil Revision Petition is disposed of. The Trial Court is hereby directed to dispose of the final decree proceedings within a period of three months, from the date of receipt of copy of this order. No costs.

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11.03.2019

Index: Yes/No
Speaking Order/
Non-speaking order
vji

N.SATHISHKUMAR,J.

vji

To

The Additional Subordinate Judge,
Mayiladuthurai.



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