

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD)No.1595 of 2019

and

CMP.No.10443 of 2019

T. Parivallal

...Petitioner

1. R. Shanmugam Sundaram
2. S. Elangovan
3. S. Somasundaram

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 08.02.2019 passed in unnumbered I.A. Of 2018 in I.A.No.137 of 2011 in O.S.No.80 of 2008 on the file of the I Additional Subordinate Judge, Salem.

For Petitioner : Mr. R. Ezhilarasan

ORDER

WEB COPY

The above Civil Revision Petition is filed challenging the order passed by the learned I Additional Subordinate Judge, Salem in an unnumbered interlocutory application in a final decree proceedings which was an application filed by the defendant who has a $\frac{3}{4}$ share in the property for a direction that the suit property be sold instead of

dividing the same. The said application has been rejected by the learned Judge only on the ground that the sale is premature since the final decree proceedings are pending and the issue can be decided in the final decree proceedings without taking a separate application.

2. I do not find any infirmity in the order passed by the learned Judge and consequentially the Civil Revision Petition stands dismissed.

3. The learned counsel for the petitioners would argue that the Advocate Commissioner's report does not contain any details as to how the building was constructed there and how it should be partitioned and therefore he must be given an opportunity to file the objections to the said Commissioner's report. Though the Commissioner's report has been filed on 14.09.2018, the plaintiff had not filed any objection till date. However, considering the request of the learned counsel for the petitioner, liberty is given to the plaintiff to file objections in respect of the building alone, if so desired. Consequently, connected Miscellaneous Petition is closed.

27.04.2019

mrn

Index: Yes/No

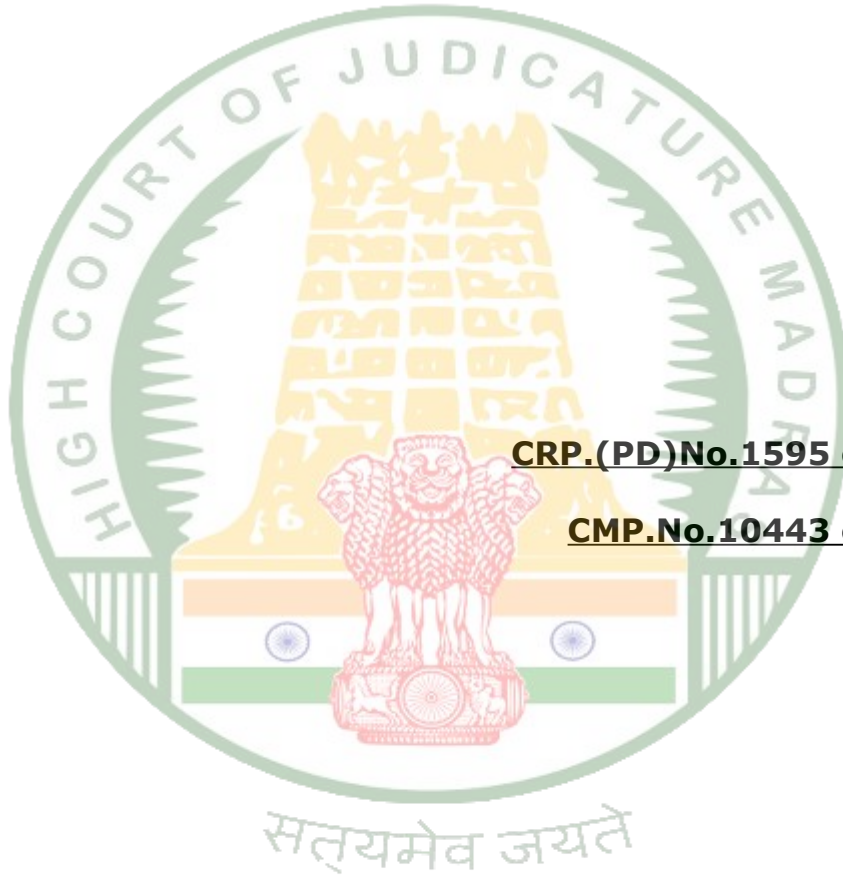
Internet: Yes/No

Speaking order / Non-speaking order

To,
The I Additional Subordinate Judge,
Salem.



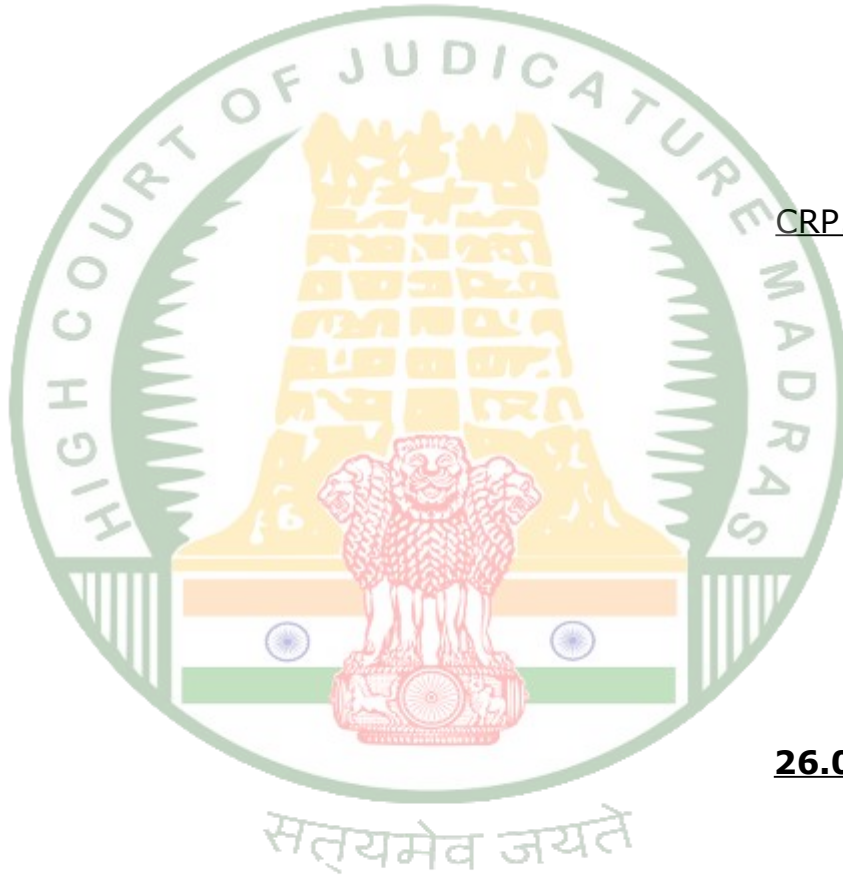
WEB COPY



CRP.(PD)No.1595 of 2019
and
CMP.No.10443 of 2019

WEB COPY

27.04.2019



CRP.(PD)No.

26.04.2019

WEB COPY