

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE C.SARAVANAN**

C.R.P(NPD).No.952 of 2014

and

M.P.No.1 of 2014

1.Rajakumari

2.Sivasenthil

... Petitioners

Vs.

Vasantha

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decreetal orders dated 29.08.2013 passed in C.M.A.No.1 of 2012 on the file of the II Additional District and Sessions Court, Vellore at Ranipet, Vellore District in confirming the fair and decreetal orders dated 06.09.2010 passed in I.A.No.62 of 2007 in O.S.No.4 of 2000 on the file of the Sub Court, Ranipet.

For Petitioners : Mr.P.Mani

For Respondent : Mr.V.Bhiman

ORDER

The petitioners are the second and fourth defendants in O.S.No.4 of 2000 before the Sub Court, Ranipet. The respondent had filed the above suit for partition of the property. The petitioners were set exparte and thereafter, a preliminary decree was passed on 13.09.2006 against which the petitioners had filed an interlocutory application to set aside the exparte

decree.

2. The said application was dismissed on 06.09.2010 against which the petitioners had preferred first appeal in C.M.A.No.1 of 2012 before the II Additional District and Sessions Court, Vellore. That appeal was also dismissed against which the present civil revision petition has been filed. During the pendency of the present civil revision petition, it appears that the second petitioner has also died.

3. The case has been adjourned from time to time for taking steps to bring in the legal representatives of the second petitioner. I see no point in keeping the present civil revision petition pending before this Court as the suit itself relates to the year 2000. Almost 15 years have gone by and the suit is yet to see the final conclusion.

4. Consequently, I am of the view that ends of justice will be met if the present civil revision petition is allowed and the case is remitted back to the Sub-court, Ranipet with the following directions:

(i) The petitioner and the legal heirs/representatives of the second petitioner shall deposit a sum of Rs.10,000/- to the credit of the above suit

as cost with in the period of 30 days from the date of receipt of a copy of this order.

(ii) The respondent/plaintiff is entitled to payment out.

(iii) The petitioners shall file their written statement within the aforesaid period.

(iv) The respondent/plaintiff shall bring the legal heirs of the second petitioner as the legal representatives in the above suit within such period.

5. In case the above are complied, the Court shall proceed to complete the trial and pass final judgment and decree within a period of nine months from the date of receipt of a copy of this order.

6. The present Civil Revision Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is also closed.

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02.04.2019

Index :Yes/No

Internet : Yes/No

arb

C.SARAVANAN, J.

arb

To

- 1.Additional District and Sessions Court, Vellore.
- 2.Sub-court, Ranipet.



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