

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Fifteenth day of October Two Thousand Nineteen

PRESENT

THE HON`BLE MR.JUSTICE R.SUBRAMANIAN

CMP No.16045 of 2018

IN SA.548/2018

1 PERIYAMMAL [PETITIONERS]
2 SIVA
3 DHANALAKSHMI

Vs

1 VALLI [RESPONDENTS]
2 THANGAVEL
3 RAMANMURTHY

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all the further proceedings in AS.No.21/2013 dt. 13/06/2018 passed by the Honble Subordinate judge at Kallakurichi conforming the decree and Judgement of .No. 737/2006 dt. 27/11/2012 on the file of Honble 1st Additional District Munsif Judge at kallakurichi. (CMP.16045/2018) pending SA NO.548 of 2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.N.MANOKARAN for M/S.A.RAJESWARI KARTHIKEYAN, Advocate for the petitioner and of M/S.R.P.MURUGANRAJA, Advocate (Caveator) on behalf of the Respondents the court made the following order:-

By an order dated 31.01.2019 this court has called for a report from the trial court regarding the undue haste shown in passing of the final decree within a period of two months from the date of disposal of the appeal in A.S.No.21 of 2013.

2. The learned I Additional District Munsif, Kallakurichi has filed a report. From the report it is seen that the application for passing of final decree in I.A.No.640 of 2013 was filed on 09.04.2013 and a Commissioner was appointed to divide the property by metes and bounds on 30.07.2014. The Commissioner filed his report on 27.04.2016. No further orders were passed in view of the pendency of appeal in A.S.No.21 of 2013. The appeal came to be dismissed on 13.06.2018 confirming the judgment and decree. Once the dismissal of the appeal was brought to the notice of the trial court I.A.No.640 of 2013 was posted for enquiry on 11.07.2018 and

the same was adjourned to 20.07.2018, 09.08.2018 and for enquiry on 21.08.2018. After hearing the counsel on 21.08.2018, the final decree was passed on 24.08.2018.

3. It is seen from the records that this Second Appeal itself was presented in this court on 23.08.2018 and the same appears to have been re-presented on 03.09.2018. The reasons given by the learned District Munsif are acceptable, in view of the fact that the Commissioner's report was filed in the year 2016 and the orders were passed only after disposal of the appeal by the lower appellate court.

4. The reasons given by the learned Additional District Munsif dated 03.10.2019 are therefore accepted and further proceedings are dropped.

-sd/-

15/10/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE,
KALLAKURICHI

2 THE DISTRICT SESSIONS JUDGE,
KALLAKURICHI.

3 THE I ADDITIONAL DISTRICT MUNSIF,
KALLAKURICHI.

C.C. to M/S.A.RAJESWARI KARTHIKEYAN Advocate on payment of necessary charges

C.C. to MR.R.P.MURUGANRAJA, Advocate (Caveator) on payment of necessary charges

Order
in
CMP.16045/2018
in
SA.548/2018

Date :15/10/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 12/02/2019
SM/05/11/2019