



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.06.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
C.R.P (PD) (MD) No.381 of 2019

- 1)V.Eswaran
2)E.Maheswaran
3)E.Satheeskumar

... Petitioners

vs.

- 1)C.Pounmani
2)C.Suganya
3)C.Sangeetha
4)C.Vijaraja
5)K.Murugan
6)R.Manikandan
7)M.Murugan
8)The Sub Registrar, Office of the Sub Registrar,
Nrt Nagar, Theni District.
9)The Tahsildar, Office of the Tahsildar
Ullavar Sandai road, Theni, Theni District.
10)The Revenue Divisional Officer, Office of Revenue
Divisional Office, Tahsildar Nagar, Thamaraikulam.
11)The Commissioner, Office of the Theni Municipality
Theni, Theni District.
12)The Executive Engineer (Distribution) TANGEDCO
NRT Nager Main Road, Theni, Theni District.

... Respondents

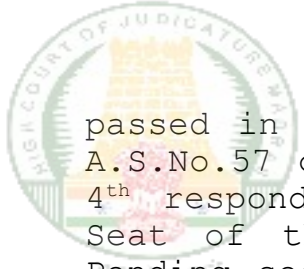
Petition filed under Article 227 of the Constitution of India, directing the learned Munsif Court, Theni, to dispose of the I.A.No.226/2018 in O.S.No.27 of 2018 on the file of the same as expeditiously within the time stipulated by this Court.

For Petitioners : Mr.V.Eswaran/Party-in-person
For R11 : Mr.K.HEMAKARTHIKEYAN

ORDER

This revision petition is for a direction to the Court below for early disposal of I.A.No.226/2018 in O.S.No.27 of 2018 on the file of the District Munsif Court, Theni.

2.Learned counsel for the petitioners would submit that originally, one S.Chinnathai filed a suit in O.S.No.71 of 1985 before the Sub Court, Periyakulam, claiming partition of her share in the suit properties. The said suit was decreed, against which, the 4th respondent herein filed A.S.No.57 of 1993 before the Principal District Court, Madurai, in which, the plaintiff/S.Chinnathai also filed cross appeal to confirm the decree



passed in the suit. After contest, the appellate court dismissed A.S.No.57 of 1993 and allowed the cross appeal, against which, the 4th respondent herein filed S.A.No.1773/1996 before the Principal Seat of this Court which was later transferred to this Court. Pending second appeal, the appellant/4th respondent herein died and since no steps were taken, the second appeal was dismissed as abated. Thereafter, the petitioners who are legatees of the 6th defendant in O.S.No.71/85, filed final decree application. Pending that application, the respondents 1 to 4 herein who are the legal heirs of the defendant in O.S.No.71/85, attempted to put up construction in A schedule property in O.S.No.71/85. Therefore, the petitioners filed the present suit for declaration and other reliefs along with I.A.No.226/2018 against the respondents 1 to 7 not to alter the physical features of the suit property and not to encumber by mortgaging it in favour of third parties till the disposal of the present suit, but the matter is adjourned frequently. Thus, the learned counsel prays for direction for early disposal of the matter.

3.Since it is only a petition for early disposal of the interlocutory application, notice to the respondents is not necessary.

4.Considering the facts and circumstances of the case and the pendency of I.A.No.226/2018 from 2018 onwards, to meet the ends of justice, it would be appropriate, if the interlocutory application is directed to be disposed of within a time frame. Accordingly, the learned District Munsif, Theni, is directed to dispose of I.A.No.226/2018 in O.S.No.27 of 2018, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Civil Revision Petition is allowed. No costs.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

To

The District Munsif,
Theni.

+1 CC to Mr.K.HEMAKARTHIKEYAN, Advocate (SR-68977[F] dated 17/06/2019)

+1.CC. To MR.Mr.V.Eswaran, Party-in-person in SR No.68422

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