



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (NPD) (MD) No.583 of 2019

1)Chinniah Durairaj
Arulvaram Selvaraj (Died)
2)Manickam @ Dharmaraj
3)Thomas Thiyagaraj
4)Daniel Sudarsan
5)Dhas Ponnusamy Raja

... Petitioners

vs.

Gnaniah Dhanraj (Died)
1)Edward Raj
2)G.Packiam
3)G.Rajapandian
4)J.Santhakumari
5)G.Sundarraaj
6)Jebamani Rajammal
7)G.Jebamani Raj

... Respondents

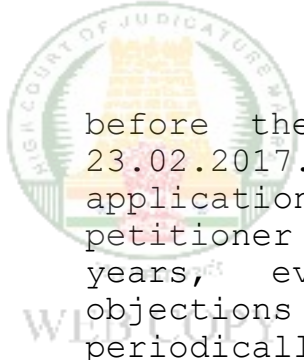
Petition filed under Article 227 of the Constitution of India, for early disposal of the final decree in I.A.No.591 of 2013 in O.S.No.19 of 1994 on the file of Principal Sub Court, Tirunelveli, within a time stipulated by this Court.

For Petitioners : Mr.D.Nallathambi

ORDER

This revision petition is for a direction to the Court below for early disposal of I.A.No.591 of 2013 in O.S.No.19 of 1994 on the file of Principal Sub Court, Tirunelveli.

2.Learned counsel for the petitioners would submit that originally, the revision petitioner along with one Dhas Ponnusamy Raja filed a suit in O.S.No.19 of 1994 against the respondents/defendants for partition and separate possession. After contest, preliminary decree was passed in the suit on 20.07.1998, against which, A.S.No.119/1998 was filed by the defendants and the same was dismissed on 04.03.1999, against which, the defendants filed S.A.No.1066/1999 before the Principal Seat of this Court and the same was transferred to this Court. This Court, by judgment and decree dated 02.11.2011 dismissed the second appeal confirming the preliminary decree granted in O.S.No.19/1994. Against the dismissal of the second appeal, the defendants filed SLP.CC.Nos.3423/2017



before the Hon'ble Supreme Court which was also dismissed on 23.02.2017. While so, the petitioners filed final decree application in I.A.No.591/2013. It is further submitted that the 1st petitioner is now aged about 102 years. However, for the past five years, even after filing of the advocate commissioner's report, objections etc., in the final decree application, the Court below is periodically adjourning the final decree application. Thus, the learned counsel prays for a direction to the Court below for early disposal of the final decree application.

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

4.Considering the facts and circumstances of the case and the pendency of the final decree application from 2013 onwards, to meet the ends of justice, it would be appropriate, if the final decree application is directed to be disposed of within a time frame. Accordingly, the learned Principal Sub Judge, Tirunelveli, is directed to dispose of I.A.No.591 of 2013 in O.S.No.19 of 1994 within a period of six months 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 (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal Sub Judge,
Tirunelveli.

CRP (NPD) (MD) No.583 of 2019
07.06.2019

CS: (19/06/2019) 2P 2C