



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.669 of 2019 (PD)

WEB COPY

Padma

.. Petitioner/
Proposed Respondent No.5

Vs.

1.S.Alice Rahini

.. 1st Respondent /
Plaintiff

2.S.Margaret

3.S.Raja Selvi Daisy Rani

4.S.Maliys

5.S.Johnson

.. Respondents
2 to 5 / Defendants 1 to 4

6.P.Sivakumar

7.P.Sivasankar

.. Respondents
6 & 7 / Proposed Respondents 6 & 7

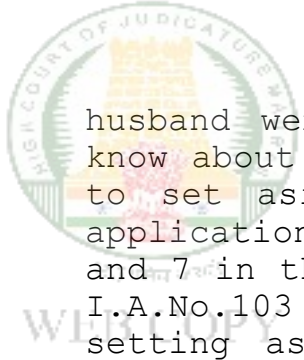
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the Sub Court, Thiruchendur to dispose of I.A.No.69 of 2019 in I.A.No.67 of 2019 in O.S.No.323 of 2010 expeditiously within a stipulated time.

For petitioner : Mr.S.Jayakumar

ORDER

This civil revision petition has been filed by the petitioner seeking for a direction to the learned Sub Judge, Thiruchendur to dispose of I.A.No.69 of 2019 in I.A.No.67 of 2019 in O.S.No.323 of 2010 expeditiously.

2.According to the petitioner, her husband purchased some extent of suit properties from the fifth respondent, who is the brother of the 1st respondent, vide sale deed 25.09.2009. Thereafter, the 1st respondent / plaintiff has filed the suit in O.S.No.67 of 2009 for the reliefs of partition and separate possession in respect of the suit properties, on the file of the District Court, Tuticorin and same was transferred to the Sub Court, Tuticorin and renumbered as O.S.No.323 of 2010, wherein an ex-parte decree was passed on 17.02.2012. Further, the 1st respondent / plaintiff has filed I.A.No.961 of 2012 for final decree, which has been re-numbered as I.A.No.67 of 2019. When the petitioner's



husband went to the property for harvesting coconuts, he came to know about the present suit and he filed I.A.No.961 of 2012 seeking to set aside the ex-parte decree and before numbering the said application, he died. Therefore, the petitioner and respondents 6 and 7 in the capacity of legal heirs of late Padmanabhan, had filed I.A.No.103 of 2016 in I.A.No.961 of 2012 in O.S.No.323 of 2010 for setting aside the ex-parte decree alongwith the application for impleading them as defendants 5 to 7 in the suit. The said I.A.No.103 of 2016 has been re-numbered as I.A.No.69 of 2019 and the same has been adjourned on several occasions without any valid reason and therefore, she has filed this revision petition seeking a direction for early disposal of I.A.No.69 of 2019.

3.Heard the learned counsel for the petitioner. In view of the limited relief sought for by the petitioner and also considering the fact that the disposal of this petition, would not cause any prejudice to the respondents, this Court is of the view that notice need not be sent to the respondents.

4.Considering fact that the interlocutory application has been adjourned on various dates and also considering the submission of the learned of the petitioner, this Court is inclined to direct the Court below to dispose of I.A.No.69 of 2019 in I.A.No.67 of 2019 in O.S.No.323 of 2010 on merits and in accordance with law as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the same.

5.Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub Judge,
Thiruchendur.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1cc to Mr.S.JAYAKUMAR, Advocate, SR.No. 72099

C.R.P (MD) No.669 of 2019 (PD)

SMN

KK/SAR/11.07.2019/2P-5C

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