



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

**CRP (MD) No.697 of 2019**

Ramalingam (died)

1.Madiammal

2.Muthurajadurai

... Petitioners/Defendants 2 & 3

vs.

1.Leela

2.Muthammal

3.Pattukani

4.Murugesan

5.Mari

6.Veyulanthammal

7.Esakkiammal

... Respondents/Plaintiffs

**PRAYER:-** Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Thiruchendur, Thoothukudi District to dispose of the suit in O.S.No.125 of 2017 as expeditiously as possible and within the time stipulated by this court.

For Petitioners : Mr.S.Mandhiralingeswaran

**ORDER**

This Civil Revision Petition has been filed to direct the learned District Munsif, Thiruchendur, Thoothukudi District to dispose of the suit in O.S.No.125 of 2017 as expeditiously as possible.

2.Before the trial Court, the petitioners herein are the defendants 2 & 3 and the respondents herein are the plaintiffs. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.



3.The petitioners herein/defendants 2 & 3 contended that one Ramalingam, who is the first defendant and one Subramanian, who is the husband of the first plaintiff are own blood brothers. The first plaintiff died on 07.02.2008. The above said Leela, wife of the said Subramanian, along with 6 other family members chosen to file a suit in O.S.No.125 of 2017 seeking for partition of the plaint schedule property and for allotment of the same in equal shares to the respective members. After the filing of the said suit, the husband of the first defendant, Ramalingam, died on 22.11.2018. The suit schedule property was already purchased by the second petitioner herein through a valid document dated 21.09.2016 more fully from the first petitioner and one Ramalingam. During the life time of said Ramalingam, all the documents pertaining to the above said property were standing in the name of said Ramalingam and Mariammal and the plaintiffs have no right whatsoever in the plaint schedule property, but with illegal motive and for illegal enrichment, the above said suit has been filed by the plaintiffs. Hence, the defendants 2 and 3 have submitted that due to inordinate delay in disposing the suit, they were put to lot of inconvenience and several mental agony and hardship.

4.Heard the learned counsel for the petitioners herein/defendants 2 and 3.

5.On perusal of records, it is seen that the plaintiffs and the defendants are the close relatives and the case has been posted for taking steps to bring on record the LR's of the deceased Ramalingam, the first defendant. It is also observed that the issues were framed as early as on 30.07.2018 and only after listing the case, the said Ramalingam died and a memo has also been filed to that effect regarding the steps.

6.From the records, it is seen that the Court below is proceeding the case in a proper way by observing the changes on the case and hence, the defendants 2 and 3 cannot have any grievance over the procedure of the Court below in proceeding with the case.

7.In view of the above, this Court finds that the purpose of filing this revision is only to delay the proceedings of the Court below further. Accordingly, this Civil Revision Petition is dismissed with cost of Rs.500/-. The petitioners herein/defendants 2 and 3 are directed to pay a sum of Rs.500/- to the credit of Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar ( )

// True Copy //



To

The District Munsif,  
Thiruchendur,  
Thoothukudi District.

**Copy To:**

The Section Officer,  
Accounts Section,  
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to Mr.S.Mandhiralingeswaran Advocate SR.No.63030

**CRP (MD) No.697 of 2019**

**mm**

**TK/SAR- /28.05.2019/3P/4C**