



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.08.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.1270 of 2019

1) Indira
2) Vimala

... Petitioners

vs.

Rasammal

... Respondent

Petition filed under Article 227 of the Constitution of India, to direct the Sub Court, Pudukkottai, to dispose the I.A.No.300 of 2011 in O.S.No.368 of 2010 pending on its file within a period as stipulated by this Court.

For Petitioners : Mr.K.Baalasundharam

ORDER

This revision petition has been filed by the plaintiffs seeking direction for early disposal of I.A.No.300 of 2011 in O.S.No.368 of 2010 on the file of the Sub Court, Pudukkottai.

2.The grievance of the petitioners is that they filed a partition suit in O.S.No.368/2010 before the Sub Court, Pudukkottai, against the respondent/defendant. The suit was decreed and preliminary decree was granted as early as on 27.01.2011. The petitioners filed I.A.No.300/2011 for passing of final decree and notice was served on the respondent on 12.10.2011 and the final decree petition was also allowed and one Kannadasan, Advocate was appointed as Commissioner for the purpose of division of the respective shares and a fee of Rs.3,000/- was remitted towards the commission fee through the petitioners' counsel. It is also the case of the petitioners that the commissioner has inspected the suit property 8 years before with the help of VAO and Surveyor, but no report has been filed till date and according to the petitioners, the matter was pending without any progress for the past 8 years and therefore, the petitioners represented before the Court below either to direct the Commissioner appointed already to file a report within a time frame or to appoint some other commissioner, but despite such representations, there was no progress and therefore, the petitioners have filed the present revision petition for early disposal of I.A.No.300/2011.



3.Since it is only a petition seeking direction for early disposal of I.A.No.300/2011, notice to respondent is not necessary.

4.The extracts of B-Diary shows that only for the Commissioner's report, the matter has been adjourned on several occasions and therefore, considering the facts and circumstances of the case and in the interest of justice, there shall be a direction to the learned Judge to dispose of I.A.No.300 of 2011 in O.S.No.368 of 2010 on the file of the Sub Court, Pudukkottai, on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Pudukkottai.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-79807[F] dated 05/08/2019)

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