



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.1376 of 2019

S.Visalakshi

.. Petitioner

Vs.

K.Jeyalakshmi (died)

1.Saravanakumar

2.Veeranan

3.Chitradevi

4.Minor Vasantha Bhrathi

5.Minor Kaviarasan

[Minor respondents 4 and 5 are represented through their natural guardian and mother, Chitradevi]

6.Dhanalakshmi

7.Minor Snegadevi

8.Minor Swethadevi

9.Minor Sreeharshini

10.Minor Sankaranarayanan

[Minor respondents 7 to 10 are represented through their natural guardian and mother, Dhanalakshmi]

11.M.Geetha

12.R.Uma

13.K.Ravi

14.K.Sailakshmi

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned Fourth Additional District Judge, Madurai, to dispose of I.A.No.1136 of 2019 in No.1376 of 2019 of 2004 within the time fixed by this Court.



For petitioner

: Mr.M.C.Swamy

ORDER

This civil revision petition has been filed by the petitioner/ plaintiff seeking for a direction to the learned Fourth Additional District Judge, Madurai, to dispose of I.A.No.1136 of 2011 in O.S.No.99 of 2004 expeditiously.

2.According to the petitioner/plaintiff, she has filed the suit in O.S.No.99 of 2004 for the reliefs of partition and separate possession. The Court below has passed a preliminary decree on 05.01.2005, based on which, the petitioner / plaintiff has filed I.A.1136 of 2011, seeking to pass a final decree, wherein, an Advocate Commissioner has been appointed and he submitted his report on 20.10.2014. The grievance of the petitioner is that though the final decree petition has been filed in the year 2011 and the Advocate Commissioner has filed his report on 20.10.2014, the same is still pending and the respondents have been dragging on the matter one way or the other and therefore, she has filed this revision petition seeking a direction for early disposal of the final decree petition.

3.Heard the learned counsel for the petitioner/plaintiff. In view of the limited relief sought for by the petitioner/plaintiff 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 final decree petition has been pending from 2011 and also considering the submission of the learned of the petitioner / plaintiff, this Court is inclined to direct the Court below to dispose of I.A.No.1136 of 2011 in O.S.No.99 of 2004 on merits and in accordance with law as early as possible, preferably within a period of four 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

// True Copy //

Sub Assistant Registrar(CS)

Smn

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Fourth Additional District Judge,
Madurai.

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

+1CC TO MR.M.C.SWAMY, Advocate Sr. No. 81897

**ORDER MADE IN
C.R.P (MD) No.1376 of 2019**

PK(CO)

TR (19.08.2019) 3P 5C