



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD) .No.1227 of 2019

WEB COPY

P.Jayalakshmi (died)
1.P.Paramanandham
2.P.Vivekanandan
3.P.Sudhakar
4.P.Geetha
5.P.seetha

... Petitioners/
Petitioners/LRs. of the plaintiff

Vs.

1.P.Lakshmanian
2.P.Subbulakshmi
3.P.Shanmuganandam

... Respondents 1 to 3/
Respondents 1 to 3/Defendants 1 to 3

Muthulakshmi (died)
4.Sethusankarasubbu
5.Giriranganathan
6.Selvarajan
7.Gomathi
8.Muthulakshmi
9.Murugan
10.Loganathan

... Respondents 4 to 10/
Respondents 4 to 10 / LR's of the 4th defendant

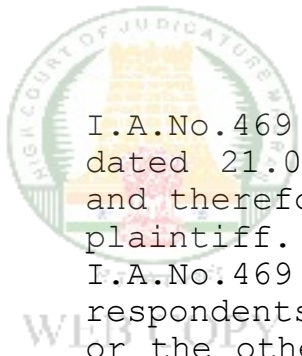
PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Subordinate Judge, Ambasamudram to expedite and complete the application in IA.No.469 of 2017 in O.S.No.15 of 1992 within a stipulated time.

For petitioners : Mr.M.P.Senthil

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned Subordinate Judge, Ambasamudram, to dispose of the application in I.A.No.469 of 2017 in O.S.No.15 of 1992 pending on his file, within a stipulated time.

2. The learned counsel for the petitioners submitted that the wife of the first petitioner and mother of the petitioners 2 to 5 by name P.Jayalakshmi as plaintiff had filed the suit in O.S.No.15 of 1992 for partition, separate possession and mesne profits. The preliminary decree and the final decree have attained its finality. The original plaintiff has filed an application in



I.A.No.469 of 2017 for mesne profits, as per the preliminary decree dated 21.08.1989. Pending application the original plaintiff died and therefore, the petitioners were impleaded as LR's of the original plaintiff. The grievance of the petitioners is that though I.A.No.469 of 2017 has been pending from the year 2017 onwards, the respondents have been intentionally dragging on the matter one way or the other. The petitioners are ready to cooperate with the Court below. Hence, they have filed this revision petition seeking a direction for early disposal of the said interim application.

3. Heard the learned counsel for the petitioners.

4. In view of the limited relief sought for by the petitioners and considering the fact that no prejudice would be caused to the respondents by ordering this petition, this Court is of the view that notice need not be sent to the respondents.

5. Considering the submission of the learned counsel for the petitioners and also considering the year of the interim application, this Court is inclined to issue the following direction to the Court below:

The learned Subordinate Judge, Ambasamudram is directed to conduct the case on day-to-day basis and dispose of I.A.No.469 of 2017 in O.S.No.15 of 1992 on merits and in accordance with law, as expeditiously 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 case.

6. This revision petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge, Ambasamudram.

+1 CC to Mr.M.P.SENTHIL, Advocate SR-79175.

C.R.P (MD) .No.1227 of 2019
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CS(21.08.2019) 2P 3C