



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1364 of 2019

V.Rajkumar

... Petitioner/ Plaintiff

Vs.

- 1.V.Venkadasamy
- 2.V.Tamilselvi
- 3.V.Balamurali
- 4.V.Madhusuthanan
- 5.V.Srinivasan
- 6.S.Vani Vidhya Lakshmi
- 7.S.Sri Venkateswara Arun

- 8.Secretary,
TN Spl.32 the Kovilpatti,
Cooperative Housing Society Ltd.,
Ettayapuram Road,
Kovilpatti - 628 501.

- 9.S.Neelavathy
- 10.E.Chellathai
- 11.G.Rajagopal

- 12.R.Indirani
rep. through her Power Agent,
G.Nammalvar S/o.Gopalakrishnan

- 13.S.Duraiaraj
- 14.S.Govindaraj
- 15.S.Kanagalakshmi
- 16.P.Subburaj
- 17.S.Balasubramaniam

S.Krishnasamy (died)

- 18.K.Lalitha
- 19.K.Smithira
- 20.S.Narayanasamy
- 21.N.K.Raju
- 22.P.Saraswathi
- 23.S.Krishnamurthy
- 24.C.Usharani



- 25.P.Ramakrishnan
- 26.N.Saraswathi
- 27.R.Rengathan
- 28.Linganna
- 29.S.Thirumalaiammal
- 30.V.Mariammal
- 31.A.Perumalsamy Naicker
- 32.R.Ayyalusamy
- 33.B.Ranganayagalu
- 34.P.Rangaraj
- 35.R.Srinivasa Raghavan
- 36.T.Ramasamy
- 37.T.Ethirajammal
- 38.T.Perumalsamy
- 39.T.Varatharaj
- 40.S.Veerasamy

- 41.A.Haja & A.Jamal
 Nez Zenith Opticals,
 No.208, Elayarasanendal Road,
 Kovilpatti - 628 501.

- 42.Rajammal
- 43.Maheswari

... Respondents / Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Subordinate Judge, Kovilpatti, to take on file the suit in O.S.No.17 of 2005 and dispose of the suit on merits and as per law.

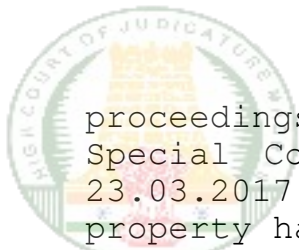
For petitioner : Mr.R.Meenakshi Sundaram

ORDER

This Civil Revision Petition has been filed by the petitioner seeking a direction to the learned Subordinate Judge, Kovilpatti, to take on file the suit in O.S.No.17 of 2005 and dispose of the suit on merits and as per law.

2. When the matter came up for hearing on 14.08.2019, this Court directed the Court below to report as to whether O.S.No.17 of 2005 is pending or not, and if it is still pending, as to why the suit has been pending for about 14 years.

3. The learned Subordinate Judge, Kovilpatti, has submitted a report dated 22.08.2019, stating that the case bundle in O.S.No.17 of 2005 was transmitted to the Special Court, Financial Establishment Act Cases, Chennai, as per the order passed by the then Subordinate Judge, Kovilpatti in O.S.No.17 of 2005, dated 10.09.2008, along with the judgment and original decree for further



proceedings and then this Court received the entire records from the Special Court under TNPID Act cases, Madurai in D.No.244, dated 23.03.2017. It is further stated in the report that the suit property has been attached by the Government and it is made absolute by the Court on 24.08.2012 in O.A.No.21 of 2008. Without order raising attachment of suit property, the suit for partition cannot be entertained. As there is no information from the Special Court as to whether the attachment is raised or not, the Court issued notice to both parties and posted for appearance on 09.09.2019 to clarify as to whether the attachment is raised or not.

4. In view of the above, this Court is not inclined to issue any direction as prayed for. It is always open to the petitioner to approach the Court below, explain as to whether the attachment is raised or not? and take further course of action in accordance with law.

5. With the above observation, this Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

The Subordinate Judge,
Kovilpatti.

+1 CC to M/s.R. MEENASHI SUNDARAM, Advocate (SR-83669[F] dated 27/08/2019)

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27.08.2019

gcg
JM/30.09.2019/3P/3C