



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD) No.1757 of 2019

1. Sumathi
2. Anandhi
3. Uma
4. Sarasu @ Saraswathi

... Petitioners

versus

1. A.R.Nanthakumar
2. A.R.Sampathkumar
3. M/s.Nagabushanam Fasteners,
A joint family business among the
family members,
Rep. by A.R.Nanthakumar and
A.R.Sampathkumar
S.No.356/2, E.1, Ancillary Industrial Estate,
Thiruverumbur, Tiruchirappalli - 620 014.
4. M/s.Naga Theatre
A joint family business styled as
a Partnership Business among the
family members
having its Registered Office
presently at No.5, Puthur High Road,
Ramalinga Nagar, Tiruchirappalli - 620 003.
5. Mahalakshmi
W/o.A.R.Sampathkumar,
shown as a partner for convenience of the joint
Family business M/s.Naga Theatre (4th Defendant)
6. M/s.Nagabushanam Precision Engg. Pvt. Ltd.
Styled as joint family business, a Private Ltd.,
Company for convenience, at S.No.356/2, E.2,
Ancillary Industrial Estate,
Thiruverumbur, Tiruchirappalli - 620 014. ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the learned First Additional District Judge, Tiruchirappalli, to dispose of the petition in I.A.No.475 of 2015 in O.S.No.36 of 2010 pending on its file.

For Petitioners

:

Mr.K.S.Kathiravan

**ORDER**

The revision petitioners are the plaintiffs in O.S.No.36 of 2010. They filed a suit in O.S.No.36 of 2010 before the learned District Judge, Tiruchirappalli, for partition. They also filed an interlocutory application in I.A.No.475 of 2015 in O.S.No.36 of 2010, before the learned First Additional District Judge, Tiruchirappalli, seeking appointment of an Advocate Commissioner, by directing him to take accounts by inspecting the suit item Nos.3 and 4 and to take down inventory pertaining to the defendants 3 and 6 concerns in respect of suit item Nos.3 and 4 for ascertainment of profits derived by the said concerns from the date of death of Late.G.A.Rathinasabapathi, viz., on 28.12.2008 to till date.

2. It is the grievance of the revision petitioners that though the said application has been filed in the year 2015, the same is unnecessarily pending for the past four years. Hence, the revision petitioners are before this Court.

3. The learned counsel appearing for the revision petitioners submits that as per the Judicial Notification No.C-5 CAS/2007 Tamil Nadu Case Flow Management in Subordinate Courts/Rules 2007, the said interlocutory application should be disposed of within a period of one year from the date of filing. But, the same is pending for the past four years. Hence, the present Civil Revision Petition has been filed seeking a direction to the learned First Additional District Judge, Tiruchirappalli, to dispose of the application in I.A.No.475 of 2015 in O.S.No.36 of 2010 pending on its file.

4. In view of Judicial Notification No.C-5 CAS/2007 Tamil Nadu Case Flow Management in Subordinate Courts/Rules 2007 and also considering the fact that the said interlocutory application is pending for the past four years, this Court directs the learned First Additional District Judge, Tiruchirappalli, to dispose of I.A.No.475 of 2015 in O.S.No.36 of 2010, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

The First Additional District Judge,
Tiruchirappalli.

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+1 CC to Mr.KATHIRAVAN, Advocate (SR-90910[F] dated 03/10/2019)

CRP (MD) No.1757 of 2019
01.10.2019

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