

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28..02..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.898 of 2020

and

C.M.P.No.4748 of 2020

D.Vajjiravelu

...Plaintiff/ Petitioner

-Versus-

1.D.Vasudeva Mudaliar

2.Mohanavalli

...Defendant 1&2/Respondents

3.Ponnammal

4.Valliammal

.. Defendant 3&4/Respondents

Petition filed under Article 227 of The Constitution of India, praying to direct the learned Subordinate Judge, Cheyyar, Thiruvannamalai District to dispose of the suit in O.S.No.43 of 2008 within the time frame to be fixed by this court.

For Petitioner

: Mr.K.A.Ravindran

ORDER

This civil revision petition has been filed seeking a direction to the learned Subordinate Judge, Cheyyar, Thiruvannamalai District to dispose of the suit in O.S.No.43 of 2008 expeditiously, preferably, within the time frame to be fixed by this court.

2. The petitioner is the plaintiff and the respondents are the defendants in the suit. The suit has been filed for partition and separate possession. The suit has been filed in the year 2008. According to the petitioner, after the commencement of the trial the 1st defendant filed an unregistered partition deed which was impounded by the court below for the purpose of ascertaining the actual value of the property and for collection of deficit stamp duty. The grievance of the petitioner is that in the guise of the collection deficit stamp duty, the suit is being adjourned from time to time without any progress in the trial.

3. Considering the limited nature of the relief sought for in this revision petition and the other facts and circumstances of the case, this court is of the view that no notice is necessary as no prejudice would cause to the other side if a direction is issued to the court below for early disposal of the original suit.

4. I have heard the learned counsel for the petitioner and also perused the records carefully.

5. In view of the limited nature of the relief sought for and on considering the fact that trial has already commenced and the same has been pending all along only for the purpose of collection of deficit stamp duty, without going into the merits of the case, this court is inclined to direct the court below to dispose of the suit at the earliest. Accordingly, the learned Subordinate Judge, Cheyyar, Thiruvannamalai District, is directed to proceed further with the trial of the suit and dispose of the suit on merits and in accordance with law, after observing all the formalities to collect the deficit stamp duty on the impounded document, within a period of six months from the date of receipt of a copy of this order. This civil revision petition is disposed of accordingly with the above directions. No costs. Consequently, connected CMP is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Subordinate Judge, Cheyyar,
Thiruvannamalai District.

+1cc to Mr.K.A.Ravikumar, Advocate SR.18098

C.R.P.No.898 of 2020

AD(CO)
CB(05/03/2020)

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