



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.531 of 2020

and

C.M.P. (MD) .No.3370 of 2020

WEB COPY

1.Dr.E.Saravanan

2.Thilagavathi

3.Meenakshi

... Petitioners /Petitioners /
Plaintiffs

Vs.

1.Brinda

2.M/s.Bharat Petroleum Corporation Limited (BPCL),
rep. by its Managing Director,
Bharat Bhavan,
No.4 & 6, Currimbhoy Road,
Ballard Estate,
Post Box No.688,
Mumbai -1.

3.Indian Bank,
rep. by its Branch Manager,
Gandhi Market Branch,
Trichy.

... Respondents /
Respondents / Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned II Additional District Judge, Tiruchirappalli, to dispose of I.A.No.1 of 2020 in O.S.No.99 of 2016 within a stipulated time.

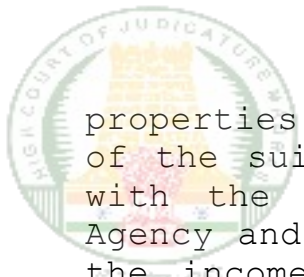
For petitioners

: Mr.G.Jermiah

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned II Additional District Judge, Tiruchirappalli, to dispose of I.A.No.1 of 2020 in O.S.No.99 of 2016 pending on his file, within a stipulated time.

2. The learned counsel for the petitioners submitted that the petitioners herein as plaintiffs have filed the suit in O.S.No.99 of 2016 for declaration that M/s.Jothi Bharat Gas Agency is a joint family asset in which the petitioners are entitled to an



properties and for consequential injunctions. During the pendency of the suit, the first respondent/first defendant, in collusion with the 2nd respondent / 2nd defendant, reconstituted the Gas Agency and transferred the same to her individual name and out of the income generated from the Gas Agency, the first respondent purchased a property. As the said property has been purchased from the joint family income, it has to be included in the suit for partition by amending the plaint. Hence, the petitioners/plaintiffs have filed I.A.No.1 of 2020 seeking necessary amendments in the plaint. The grievance of the petitioners is that though the said application has been numbered as early as on 03.02.2020, the first respondent/ first defendant has been dragging on the matter one way or the other, and the Court below also has been adjourning the matter, without deciding the matter on merits. 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 interim application in I.A.No.1 of 2020 in O.S.No.99 of 2016.

3. 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.

4. Considering the submission of the learned counsel for the petitioners, this Court, without going into the merits of the case, is inclined to issue the following direction to the Court below:

The learned II-Additional District Judge, Tiruchirapalli is directed to dispose of the interim application in I.A.No.1 of 2020 in O.S.No.99 of 2016 on merits and in accordance with law, as expeditiously as possible, preferably within a period of eight weeks 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 interim application.

5. This revision petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Gcg

To

The II-Additional District Judge,
Tiruchirapalli.

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30.06.2020

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