



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P.(PD)(MD)No.868 of 2020

WEB COPY

Jhansi Rani

... Petitioner/ Petitioner/Plaintiff

Vs.

1.K.Janakiammal

2.K.Venkateswaran

3.K.Kannan

4.Selvi

... Respondents/Respondents/Defendants

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed by the learned Sub Judge, Sivakasi on 07.09.2020 in I.A.S.R.No.1960/2020, and direct to number the same and decide according to law and allow the Civil Revision Petition.

For Petitioner : Mr.J.Jeyakumaran

ORDER

The revision petitioner herein is a plaintiff in O.S.No.57 of 2018, which she has laid for partition against her mother, brothers and widow of her predeceased brother. After the institution of the suit, she has filed I.A.SR.No.1960 of 2020 seeking for an order of interim injunction against defendants 1 to 4 alone not to alter the physical character of the property by putting up new construction in the suit property. This petition came to be returned stating that the impleading petition in I.A.No.370 of 2019 is pending.

2.The learned counsel for the revision petitioner submitted that the petitioner has filed I.A.No.370 of 2019 for impleading one Divya Bharathi, the daughter of the fourth defendant(also daughter of the predeceased brother of the revision petitioner). Notice was sent to the proposed party and the proposed party has entered appearance through counsel. The learned counsel submits that on 20.01.2020, the argument of the petitioner's counsel was heard and thereafter, the matter was adjourned as many as 20 times and still pending.

3.Thereafter, the smooth functioning of the Court was affected from 25.03.2020 owing to onset of COVID-19, but, still this Court is in utter disappointment as to why an enquiry in an application to implead the proposed party should take so long, when the petitioner's counsel was heard in I.A.No.370 of 2019 even on



20.01.2020. This Court is at a loss to understand why the matter was not completed before 25.03.2020. The Registry is required to call for an explanation from the Sub Judge, Sivakasi.

4.For the present, since the revision petitioner is not interested in seeking an injunction against the proposed party, the Civil Revision Petition is allowed and the Registry is required to return the original of the petition in I.A.SR.No.1960 of 2020 to the revision petitioner. Upon receiving which, the revision petitioner is directed to represent the same before the trial Court. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Sub Judge, Sivakasi.

2.The Section Officer

E.R.Section, Madurai Bench of Madras High Court, Madurai
(the original of the petition in I.A.SR.No.1960 of 2020)

+1 cc to Mr.J.Jeya Kumaran, Advocate SR. No.22431

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