



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P (MD)No.1018 of 2020

WEB COPY

1.N.Usha

2.N.Rajeswari

...Petitioners/Petitioners/Plaintiffs

Vs.

1.Muthurani

2.Kavitha

3.Baburaj

4.Rajkumar

5.Minor.Kamali

6.S.Kannan

7.R.Krishnakumar

8.M.Kasimayan

9.B.Karthik

10.T.Sivanandan

...Respondents/Respondents/Defendants

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Fifth Additional District Court, Madurai to expedite the progress in I.A.No.152 of 2016 in O.S.No.119 of 2009 in an effective manner within a stipulated time.

For Petitioners : Mr.R.G.Shankar Ganesh

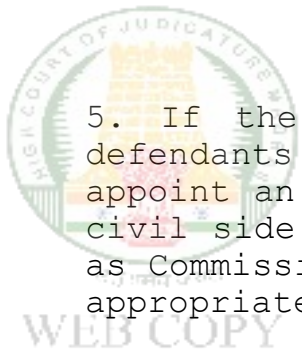
O R D E R

The plaintiff in O.S.No.119 of 2009 on the file of the Fifth Additional District Court, Madurai has approached this Court in this revision. She has laid a suit for partition and has obtained a preliminary decree and to pass final decree, she has taken out an application in I.A.No.152 of 2016.

2. The learned counsel requires the trial Court to expedite the disposal of I.A.No.152 of 2016.

3. To a pointed question as to whether the Commissioner has filed his report, the learned counsel would submit that initially the Court has appointed the Commissioner, he was removed by an objection preferred by the defendants. Therefore, the second commissioner was appointed and even this being objected to by the defendants and they have filed a petition in I.A.No.83 of 2020 and the same is pending.

4. The trial Court is cautioned to ascertain whether the defendants are making it habit to delay the appointment of the Commissioner and decide I.A.No.152 of 2016 within a period of 15 days from the date of receipt of a copy of this order.



5. If the trial Court finds any merit in the objection of the defendants to remove the Commissioner, then, it shall so do it and appoint an Advocate with atleast 15 to 20 years of practice in the civil side and regular in his appearance in civil Courts in Madurai as Commissioner, on such remuneration, as the Court may deem fit and appropriate.

6. The Commissioner is now required to be assisted by a Surveyor or Valuer or by both. If the Commissioner either now appointed or to be appointed, as the case may be, finds difficulty in securing the co-operation and services of the surveyor, he/she is required to bring the same to the notice of the trial Court forthwith. The learned Additional District Judge is then required to take this issue with the Principal District Judge, who may take up the matter atleast during the monthly monitory committee meetings with the higher revenue officials. The Fifth Additional District Judge is required to give his utmost anxiety and attention to dispose of this matter since the suit is pending from 2009 and the very application for passing final decree is pending close to five years now.

7. In fine, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Fifth Additional District Court, Madurai

2.The V.R.Section, (2Copies)
Madurai Bench of Madras High Court,
Madurai.

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11.12.2020

MK (CO)
KB(18.01.2021) 2P 4C