

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

CRP. (PD) No. 84 of 2021

M.Nallammal @ Nallathal

... Petitioner

Vs

1.R.Pappammal
2.C.Muthurathinam
3.S.Vijayalakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the II Additional District Court at Tirupur to dispose of the suit in O.S. No.474 of 2018 at an early date.

For Petitioners

: Mr. P.Valliapan

O R D E R

This Civil Revision Petition has been filed to direct the II Additional District Court at Tirupur to dispose of the suit in O.S. No.474 of 2018 at an early date.

2. Perusal of the typed set of papers filed along with this petition shows that a suit in O.S. No.478 of 2018 was filed on 03.12.2018 before the II Additional District Court, Tirupur. The suit was filed for partition and separate

possession with a prayer to direct the Court to divide the plaint scheduled mentioned properties with reference to good and bad soil by meats and bounds and further to allot a specific extent of acres 0.89 to the plaintiff more particularly on the northern portion of the under mentioned properties as described in the plaint plan.

3. From the proceedings of the Court below, it is seen that notice were served on D1, D2 & D3 and that the matter was posted on 25.02.2019. On 25.02.2019, written statement of defendants were presented and the matter is adjourned to 05.03.2019. On 05.03.2019, both the parties appeared and the case was further adjourned on several occasions for framing issues. On 22.04.2019, an Interlocutory Application in I.A. No.1 of 2019 is filed by one of the defendants under Order 8 Rule 9 C.P.C. and from that date the matter has been kept pending only for enquiry and arguments by the parties. Now the petitioner has filed this Civil Revision Petition seeking direction of this Court to dispose of the suit in O.S. No.474 of 2018 at an early date.

4. In view of the above proceedings in the Court below, this Court is of the view that the delay is not caused by the Court concerned. It is only the parties who were not interested in conducting the suit and hence the case was adjourned on several occasions and due to which the Interlocutory Application has not been disposed of till then.

5. Considering the circumstances of the case, this Court is inclined to direct the parties to cooperate with the Court in day to day proceedings. Since the suit is only for partition, the parties are directed to complete their arguments in Interlocutory Application in I.A. No.1 of 2019, within a period of two weeks from the date of receipt of a copy of this order and the Court below shall proceed further with the proceedings established in law and dispose of the Suit in O.S. No.474 of 2018, as expeditiously as possible preferably within a period of one year.

6. With the above directions, this Civil Revision Petition is disposed of.

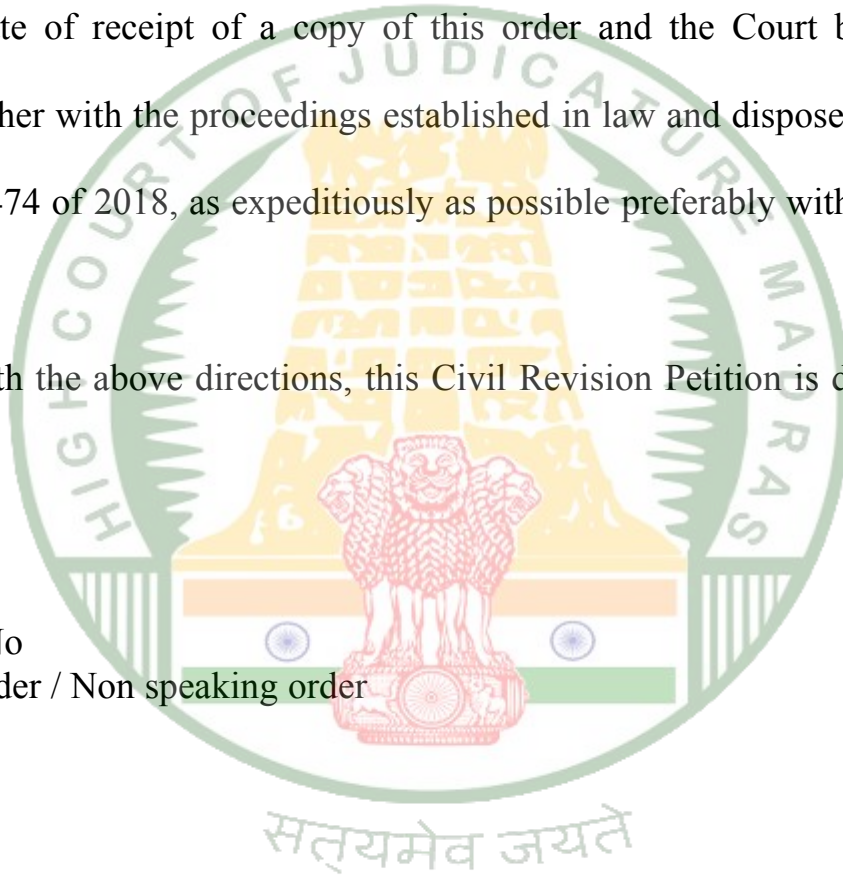
No costs.

22.01.2021

Index: Yes/No

Speaking order / Non speaking order

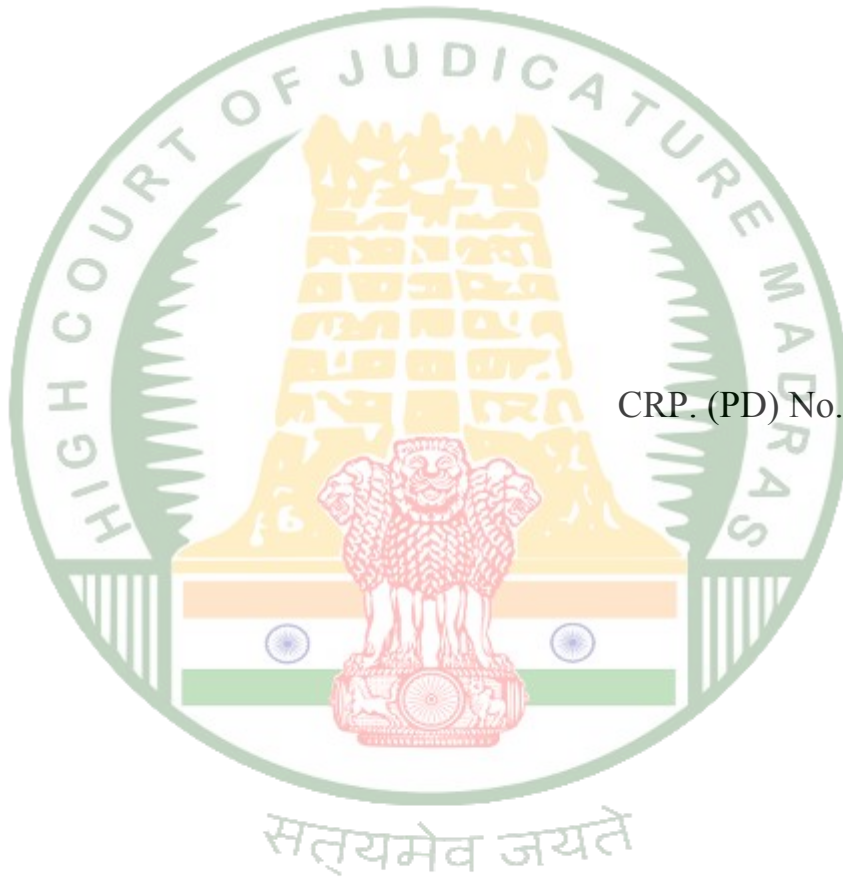
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V.BHAVANI SUBBAROYAN. J.,

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