

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.07.2021**

**CORAM**

**THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA**

**C.R.P. (PD) No. 1323 of 2021**

Thenmozhi

... Petitioner

-VS-

1. Murugan

2. Jothilakshmi

3. Thamaraiselvi

4. Venkatesh

5. Santhammal

6. Kaveriammal

... Respondents

**Prayer:-** Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to pass an order directing the Subordinate Court, Omalur to dispose the A.S. No. 32 of 2018 within the specific period of time fixed by this Court.

For Petitioner : Mr. T.Ganesan

**ORDER**  
**(The case has been heard through video conference)**

The Civil Revision Petition has been filed seeking for a direction to the Learned Subordinate Court, Omalur to dispose the A.S. No. 32 of 2018 within the specific period of time fixed by this Court

2. The Learned Counsel for the Petitioner would submit that the suit properties originally belonged to Ayyamuthu Goundar who is the husband of the Fifth Respondent and the father of the Petitioner and the First to Fourth and Sixth Respondents. He would further submit that the patta for the suit properties also stands in the name of the said Ayyamuthu Goundar. He would further submit that the said Ayyamuthu Goundar died intestate on 11.05.2005 and thereafter, the Petitioner and the Respondents are in joint and constructive possession and enjoyment of the suit properties. He would further submit that no partition was effected between the Petitioner and the Respondents in respect of the suit properties till date. He would further submit that the Petitioner and the Respondents are entitled to 1/7 share each in the suit properties. He would further submit that the approach of the Second Respondent to get her lawful share in the suit properties ended in vain and therefore, she has instituted the suit in O.S. No. 240 of 2007 before the Learned District Munsif Court, Omalur.

He would further submit that the suit was partly decreed on 09.03.2017 against which, the First Respondent filed an appeal in A.S. No. 33 of 2017 before the Subordinate Court, Mettur. He would further submit that the appeal was subsequently transferred to the Subordinate Court, Omalur and renumbered as A.S. No. 32 of 2018. He would further submit that the appeal is pending for more than four years. He would further submit that the Respondents are willfully dragging the proceedings. He would further submit that due to the pendency of the appeal, the Petitioner is sustaining irrecoverable loss and hardship. Hence, he would pray for a direction to the Learned Subordinate Court, Omalur to dispose the A.S. No. 32 of 2018 pending on its file within a time frame fixed by this Court.

3. Heard the Learned Counsel for the Petitioner and perused the materials available on record.

4. Taking into consideration the facts and the submissions made, the Learned Subordinate Court, Omalur is directed to dispose A.S. No. 32 of 2018 as expeditiously as possible preferably within a period of nine months from the date of receipt of a copy of this order.

5. With this observation, this Civil Revision Petition is disposed of. No costs.

15.07.2021

vjt

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order

To

1. The Subordinate Court,  
Omalur.



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**A.D. JAGADISH CHANDIRA, J.**

vjt



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