

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD) No.2855 of 2018

P.B.Hari Singh Petitioner

Vs

Kamala Ranjeeth(died)
1.R.K.Kumar
2.R.Arun Singh
3.Jwala Manohar Singh
4.Anitha Gopal Singh
5.Subashini
P.B.Jain Singh(died)
P.B.Jaggu Singh(died)
Padmini Sundar Singh(died)
Jothi Kesar Singh(died)
6.Santha Muni Sing
7.Rajini
8.Geetha Ramakrishna Singh
9.T.Takur Singh
10.Yeswant Singh
11.Vimal
12.M/s.Essential Oil and Chemico
Industries Ltd.,
Yercaud, Salem District
13.J.Jaiprakash Singh
14.Sujatha Ramesh Singh
15.P.J.Ajith Singh
16.P.J.Mahadev Singh
17.P.J.Ramesh Singh

18.P.J.Lakshmi
19.Gowri Sankar Singh
20.Sumitra Bai
21.Manonmani
22.R.Sheela Rathan Singh
23.S.Lakshmi
24.D.Jhansi Bai
25.K.Mukesh Singh

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned Principal Subordinate Judge, Salem to number and dispose of the application in unnumbered IA.SR.No.959 of 2018 in OS.No.405 of 1994.

For Petitioner : Mr.B.Kumarasamy

For Respondents

For R12,15&17: Mr.N.Jayakumar

For R18 : Mr.K.Veelayaraj

ORDER

This Civil Revision Petition is filed against the docket order in unnumbered IA.SR.No.959 of 2018 in OS.No.405 of 1994 on the file of the Principal Subordinate Judge, Salem, thereby returned the petition as not maintainable.

2.The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for partition. While pending suit, the parties concerned filed compromise memo and accordingly final decree was passed. According to the petitioner, while passing final decree, there is a specific clause that the parties are at liberty to take steps to wind up the company M/s.Essential Oil and Chemico Industries Ltd., Yercaud and divide the suit property in proportion of their shares as stated above. Therefore, his share was not divided by metes and bounds. As such, he filed petition to divide as per his share allotted in the compromise decree by metes and bounds after appointment of advocate commissioner. The said application was returned for the reason that how the petitioner can seek division of the property when the final decree did not whisper about the division of the immovable property standing in the name of the company.

3. This Court feels that the court below need not go into the merits of the application even before numbering the same. Therefore, the petitioner may be directed to re-present the application.

4. Accordingly, the Registry is directed to return the original application and on receipt of the same, the petitioner is directed to re-present the same before the court below within a period of two weeks thereafter. On receipt of the same, the court below is directed to number the same and decide the application on merits and in accordance with law, after giving opportunity to the parties concerned.

5. With the above directions, this civil revision petition is disposed of. No order as to costs.

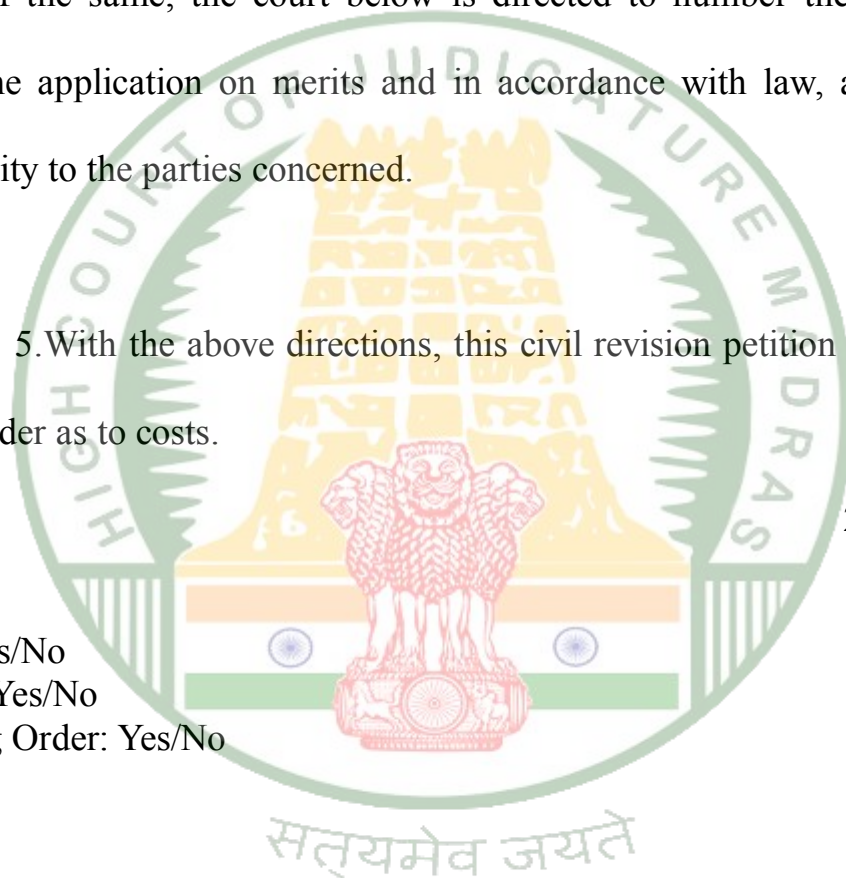
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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No



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G.K.ILANTHIRAIYAN,J.

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To

The Principal Subordinate Judge,
Salem



C.R.P.(NPD) No.2855 of 2018

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