

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 17.09.2021

Coram::

THE HONOURABLE Mr.JUSTICE G.CHANDRASEKHARAN

C.R.P(PD).No.1411 of 2021

Mrs.Vijayalakshmi Hemchander

... Petitioner

/versus/

1. M.Venkataramani
2. Meena
3. Lakshmi
4. Suresh
5. Uma
6. Ravishankar
7. Usha Srinivasan
8. Ramshankar
- 9.Krishnan Raman

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned V Assistant City Civil Court, Chennai to expedite the hearing and to dispose of O.S.No.5990 of 1990 within the time stipulated.

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For Petitioner

: Mr. M.V.Swaroop

For Respondents

: Mr.Gokul for R3 to R9

Mr.Sriram for R7

ORDER

(The case has been heard through video conferencing)

This Civil Revision Petition is filed for direction to the learned V Assistant City Civil Court, Chennai to expedite the hearing and to dispose of O.S.No.5990 of 1990 within the time stipulated.

2. On 23.07.2021, this Court directed the Registry to obtain a report from the V Assistant City Civil Court, Chennai with regard to the status of O.S.No.5990 of 1990 and outer time limit required to dispose of the suit.

3. In the report submitted by the the learned V Assistant City Civil Court, Chennai, it is stated that the O.S.No.5990 of 1990 was disposed of on 07.12.2000 and a preliminary decree was passed. The plaintiff has not filed any final decree petition. The 4th defendant -Vijayalakshmi Hemachander has filed a final decree petition in I.A.No.2473 of 2003 and that petition was dismissed on 24.01.2015 as the schedule of the property is indivisible. The 4th defendant has filed another petition in I.A.No.10856 of 2003 under Section 2 of the Partition Act for the sale of the suit property and that was also dismissed on 24.01.2015 for the reason that the final order regarding the Commissioner report was not passed. The

4th defendant has filed a petition in I.A.No.1646 of 2006 under Section 2 of the Partition Act for the sale of the suit property through public auction and that petition was allowed on 06.02.2016. An Advocate Commissioner was appointed to fix the market value and sale of the property through public auction. The Advocate Commissioner has filed the interim report on 24.03.2017 and sale certificate was issued on 12.02.2018. The auction purchaser has filed I.A.Nos.8444 and 8445 of 2018 to reopen the case to revise the said certificate by stating the correct survey number and the extent of the property. Subsequently, the petitions were not pressed by the auction purchaser on 10.09.2018. The auction purchaser has filed a memo on 29.01.2020 to issue revised sale certificate. The auction purchaser and the 4th defendant have filed various I.As., for amendment of the I.A.No.1646 of 2006 and for issuance of revised sale certificate and the petitions were allowed and the amendment was carried out only in I.A.No.1646 of 2006.

4. The defendants 3, 4, 10 and 11, the auction purchaser and the Advocate Commissioner have filed the following petitions for payment out of the court deposit:

*I.A.No.2 of 2019-filed by the 4th defendant-Vijayalakshmi Hemachander.

*I.A.No.4 of 2020-filed by the 3rd defendant-Meena Narayanaswamy.

*I.A.No.5 of 2020-filed by the 11th defendant-Ram Sankar.

*I.A.No.6 of 2020-filed by the 10th defendant-Usha Srinivasan.

*I.A.No.7 of 2020-filed by the auction purchaser.

*I.A.No.8 of 2020-filed by the Advocate Commissioner.

5. In view of the pending applications and in view of the report submitted by the learned Judge and also considering the fact that the suit itself is of the year 1990, the learned Judge is directed to dispose of the pending applications and ultimately pendency of all proceedings in O.S.No.5990 of 1990 shall be disposed on merits and in accordance with law as early as possible, preferably within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, the civil revision petition is disposed of.

No costs.

Index :Yes/No
Speaking order/Non-speaking order.
rpl

To:-

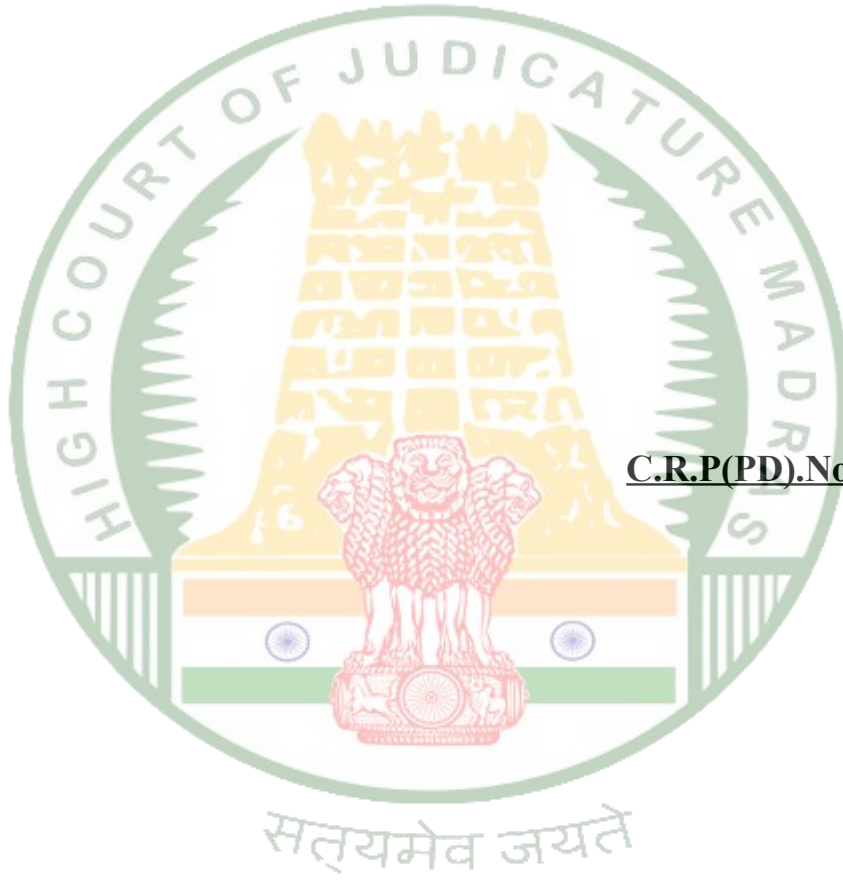
The V Assistant City Civil Court, Chennai

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G.CHANDRASEKHARAN,J.

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