

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD)No. 2031 of 2021

(Through Video Conference)

1. Viswanathan

2. Kumaravel

...Petitioners

Versus

1. Ganapathi Athal

2.K. Subbramaniam

3. Sivakami

4. Pechimuthu Babu

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Additional Subordinate Judge, Coimbatore to expedite and dispose the case in I.A.No.772 of 2013 in O.S.No.398 of 2010 and to allow the above revision petition.

For Petitioners : Mr.B.Thirumalai

ORDER

This Civil Revision Petition is filed seeking for a direction to the learned Additional Subordinate Judge, Coimbatore to expedite and dispose I.A.No.772 of 2013 in O.S.No.398 of 2010 within a time schedule fixed by this Court.

2. The learned counsel for the petitioners submitted that the petitioner filed the suit for partition in O.S.No.426 of 2005 on the file of Principal District Court, Coimbatore. It was transferred to Additional Subordinate Judge, Tiruppur and numbered as O.S.No.398 of 2010. The suit was decreed on 30.11.2010. The final decree application in I.A.No.772 of 2013 in O.S.No.398 of 2010 was filed on 22.07.2011 and it is pending without getting disposed. It is submitted that the learned Advocate Commissioner already filed a report and the petition is pending for filing objections for the Commissioner report by the third respondent. Therefore, this Civil Revision Petition has been filed.

3. It is seen from the submissions made by the learned counsel for the petitioners that in the partition suit filed in 2005, the preliminary decree was passed on 30.11.2010. He also submitted that there is no appeal filed against the preliminary decree. The final decree petition is pending from the year 2013. The Advocate Commissioner report is also filed. Therefore, the learned

Additional Sub Judge, Coimbatore is directed to dispose I.A.No.772 of 2013 and dispose the final decree application as expeditiously as possible, preferably within a period of three (03) months from the date of receipt of a copy of this order.

4. Accordingly, the **Civil Revision Petition is Disposed** of. No costs.

22.09.2021

Index: Yes/ No
Speaking Order / Non-Speaking Order

sts/jai

To
The Additional Sub Judge,
Coimbatore.



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G.CHANDRASEKHARAN, J.,

sts/jai



Order made in
C.R.P.(PD)No.2031 of 2021

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22.09.2021