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C.R.P (PD) No.1366 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.1366 of 2022

Kothandaraman

... Petitioner

Vs.

Rajalakshmi Ammal (Deceased)
Ramani Ammal (Deceased)
Panneerselvam (Deceased)

1.Tamilselvam
2.Arulselvam

Jayalakshmi Ammal (deceased)

3.Amudha Ammal
4.Duraisamy Gounder
5.Aparanji Chettiar
6.Munusamy Gounder
7.Perumal Chettiar
8.Varadammal

Chengalvarayan (Deceased)

9.Krishnamoorthy
10.Chandrakanthan
11.S.Baranikumar
12.S.Senthilkumar
13.Umamaheswari

... Respondents



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PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Sub Court at Cheyyar to dispose of the suit in O.S. No.155 of 2010 (O.S. No.190 of 1999) as expeditiously as possible within a time stipulated by this court.

For Petitioner : Mr.M.Balasubramanian

ORDER

A suit for partition, pending for 23 years, is still awaits its final adjudication. This case does not pose much of history but, definitely some geography. The learned counsel for the revision petitioner submitted that the suit was originally laid before the Sub Court, Arani, from where, the suit was administratively transferred to the Sub Court, Cheyyar, when a court was constituted there, and thereafter it was transferred to the District Court, Tiruvannamalai, from where, it again was re-transferred to the Sub Court, Cheyyar, wherein it is now pending in O.S. No.155 of 2010. Even going by this statement, the litigation has completed its travel between Arani to Tiruvannamalai and back to Cheyyar in the first 11 years of its institution, and still there is no justification for this case is kept pending for the next 12 years.



2. The trial court is now required to dispose of the suit. The learned counsel added that, one reason, why the case is in hibernation is essentially because of absence of a permanent judicial officer at Sub Court, Cheyyar.

3. This court understands after a gap of about a year, a Sub Judge has finally been posted at Sub Court, Cheyyar yesterday and this should be a good news for the revision petitioner.

4. The learned Subordinate Judge, Cheyyar, is now required to dispose of O.S. No.155 of 2010, within a period of four months from today, at any rate, not later than September, 2022. The learned Subordinate Judge is also required to send his fortnightly report of the progress of the litigation to this court. If the suit is adjourned to any date later than the opening day after summer recess, the learned Subordinate Judge is required to advance the posting to any date on the first week of June, 2022. The learned Principal District Judge, Tiruvannamalai is required to monitor whether the Subordinate Judge, Cheyyar, is complying with the direction given by this court.



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5. With the above direction, the Civil Revision Petition stands disposed of.

No costs.

28.04.2022

Asr

To
The Principal District Judge, Tiruvannamalai



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N.SESHASAYEE, J.,

Asr

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