



C.R.P (PD) No.1416 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.1416 of 2022

1.Jayalakshmi

Yasodha (since deceased 2nd plaintiff)

2.Saraswathy

3.Parvathy

... Petitioners

Vs.

G.Govindaraj (since deceased 1st defendant)

G.Chandrasekaran (since deceased 2nd defendant)

1.Lalitha

2.G.Murugan

3.G.Abirami

4.G.Vijayalakshmi

... Respondents

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned VII Assistant Judge, City Civil Court, Chennai to dispose of the final decree I.A. No.16077 of 2009 in O.S. No.12140 of 1996 filed by the petitioners/plaintiffs on day to day basis within a stipulated period of three months.

For Petitioners

:

Mr.M.Murugan

ORDER



C.R.P (PD) No.1416 of 2022

WEB COPY

The revision petitioners/plaintiffs in O.S. No.12140 of 1996 on the file of VII Assistant Judge, City Civil Court, Chennai, has now approached this court for a direction to the learned trial Judge to dispose of the final decree application in I.A. No.16077 of 2009. The suit is laid for partition.

2. The learned counsel appearing for the revision petitioner submitted that in I.A. No.16078 of 2009, the court, earlier appointed a commissioner, who had filed his report stating that the property could not be conveniently divided among all the co-sharers. Hence the plaintiffs have taken out an application for bringing the property to sale. This is pending. In addition, some of the defendants/respondents have passed away, to implead whose legal heirs, the plaintiffs have taken out I.A. Nos.3 and 4 of 2021 and they are also pending. This court is informed that the defendants have also filed certain applications setting aside the ex-parte order in I.A. No.1 of 2019.

3. The learned VII Assistant Judge, City Civil Court, Chennai, is now



C.R.P (PD) No.1416 of 2022

directed:

WEB COPY

- (a) to dispose of the LR application;
- (b) to consider and dispose of the application for setting aside the ex-parte order in I.A. No.1 of 2019 within a period of 15 days from today;
- (c) to proceed to decide I.A. Nos.12247 and 12248 of 2016 for bringing the property to sale and for appointing a commissioner for the said purpose, within a period of next 15 days.
- (d) in the eventuality of the court proceeding to direct sale of the suit property, then the entire exercise must be completed within six months thereafter.

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

No costs.

26.04.2022

Asr

To

The VII Assistant Judge, City Civil Court, Chennai

N.SESHASAYEE, J.,



WEB COPY



C.R.P (PD) No.1416 of 2022

Asr

C.R.P (PD) No.1416 of 2022

26.04.2022