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C.R.P.(PD) No.1367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.1367 of 2022

Valliammal

... Petitioner / Plaintiff

Vs.

1.R.Subramaniam
2.Bakkiyammal
3.Venkatachalam
4.Vijaya
5.Rathinnammal

... Respondents / Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to fix a time limit for speedy disposal of O.S.No.7 of 2018 on the file of the Subordinate Court, Avinashi, within a stipulated time.

For Petitioner : Mr.D.Ravichander

ORDER

The petitioner herein seeks an expeditious disposal of O.S.No.7/2018, which she has laid for partition.



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2. The learned counsel for the revision petitioner submitted that the plaintiff has taken out two applications, and the defendants on their part has taken out an independent application. The relief sought in one of the application which the plaintiff has taken out is that the defendants shall not alienate the property.

3.1 While this Court does not intend to interfere with any pending matters, it needs to underscore that no Courts can restrain the co-owner or the co-sharer from dealing with their shares of the property, nor can they prevent the co-owner or co-sharer from alienating their own property. The only restriction is, such alienee of the co-owner cannot take immediate possession of the property.

3.2 Be that as it may, this Court directs the trial Court to dispose of the pending applications in O.S.No.7/2008 on its file, at the very earliest not later than July 2022. And, it is also required to bestow its best attention to dispose of the suit, preferably by December 2022.



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4. With the above direction, this civil revision petition stands allowed. No costs.

28.04.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

To:

The Sub Judge

Avinashi.



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N.SESHASAYEE.J.,

ds

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