



C.R.P.(PD) No.1626 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 29.04.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.1626 of 2022

Vijayalakshmi Hemchander

... Petitioner / 1st Respondent / Petitioner /
4th Defendant

Vs.

1.M.Meenal

... 1st Respondent/Petitioner /Auction
Purchaser

2.M.Venkataramani

... 2nd Respondent / 2nd Respondent /
1st Respondent / Plaintiff

Kalpagam Venkatraman (Deceased)
Saraswathi Raman Krishnan (Deceased)

3.Meena

Parimala (Deceased)

4.Lakshmi

5.Suresh

6.Uma

7.Ravishankar

8.Usha Srinivasan

9.Ramshankar

10.Krishnan Raman

... Respondents



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Prayer : Civil Revision Petition filed under Article 227 of Constitution of India, praying to direct the learned V Assistant City Civil Court, Chennai to expedite the hearing and to dispose of I.A.No.2 of 2019 in I.A.No.11333 of 2018 in I.A.No.1646 of 2006 in O.S.No.5990 of 1990, within a time stipulated by this Court.

For Petitioner : Mr.M.V.Swaroop

ORDER

In a final decree proceedings in a partition suit, the property sought to be partitioned came to be auctioned. The auction purchaser has deposited the money in the Court and the revision petitioner, the fourth defendant has taken out an interlocutory application for obtaining her share of the money. This pay out application is taken on file as I.A.No.2 of 2019.

2. When the Court enquired why the matter is not disposed of yet, the learned counsel submitted that the trial Judge has ordered notice to the other sharers, who remained exparte.

3. If the suit is one for partition, and if the property is already sold in the



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final decree proceedings, and if the money due payable to the sharers is already deposited in the Court, then all that the Court may have to consider is that, the entitlement of the exact share of the petitioner in the payout application, and since the money is in the Court deposit, the Court only needs to look to the preliminary decree, and no more.

4. This Court, therefore directs the V Assistant City City Court, Chennai to dispose of the I.A.No.2 of 2019 in I.A.No.11333 of 2018 in I.A.No.1646 of 2006 in O.S.No.5990 of 1990, pending on its file, within a period of two weeks from the date of communication of this order.

5. With the above direction, this revision is disposed of. No costs.

29.04.2022

Index : Yes / No
Speaking order / Non-speaking order
ds

To:
The Judge
V Assistant City Civil Court
Chennai.



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N.SESHASAYEE.J.,

ds

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