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C.R.P.No.3379 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3379 of 2022

1. N.Ravi
2. N.Sasikumar

... Petitioners

Vs.

1. N.Muralisankar
2. Balamani
3. N.Suresh Kumar

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to direct the Additional District Judge, Kancheepuram District at Chengalpattu by disposing the I.A.No.3 of 2019 in O.S.No.50 of 2015 and pass judgment and decree with respect of item 1 and 2 of the suit properties within the time prescribed by this Hon'ble Court.

For Petitioners : Mr.M.Muthappan

For Respondents : No Appearance



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ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below in I.A.No.3 of 2016. The petitioners herein who were arrayed as defendants 2 and 3 in the suit filed I.A.N.3 of 2019 seeking a direction to divide item 1 and 2 of suit properties as prayed for by the plaintiffs. The Court below by impugned order directed that the order in I.A., will be pronounced along with main suit. Aggrieved by the said order revision petitioner is before this court by way of revision.

2. The learned counsel for the petitioners submitted that the revision petitioners submitted to the decree in respect of the item 1 and 2 of the suit properties and therefore, the Court below ought to have pronounced the order in I.A.No.3 of 2016 by passing a preliminary decree in respect of item 1 and 2 of the suit properties. The perusal of the typed set of papers would suggest that the plaint contains as many as 7 items and the 1st respondent/plaintiff seeks partition of his 1/5th share in respect all the items. If preliminary decree is passed only in respect of item 1 and 2, then at the time of final decree proceedings, there will be some difficulty in adjustments of shares in respect of other items. Therefore, it is always



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desirable to pass a comprehensive preliminary decree in respect of all the items after full fledged trial. Thereafter I do not find any infirmity in the order passed by the Court below. Hence, the Civil Revision Petition stands dismissed. Having regard to the fact that the suit for partition filed by the first respondent is of the year 2015, this Court is inclined to issue a direction to the Court below to dispose of the suit within a period of nine months from the date of receipt of copy of this order. No costs.

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

To

The Additional District Judge, Chengalpattu,
Kancheepuram District.



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S.SOUNTHAR, J.
Jai

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