



C.R.P PD(MD)No.1342 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.1342 of 2022

T.T.Raghu

... Petitioner

Vs

1.T.T.Thiyagu
2.V.Valarmathi
3.S.Malarmathi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue direction to the learned Subordinate Judge, Tiruchendur, to dispose of I.A.No.225 of 2019 in O.S.No.708 of 2017, on the file of the Subordinate Court, Tiruchendur as expeditiously as possible.

For Petitioner	: Mr.S.Muniyandi
For Respondents	: No appearance



C.R.P PD(MD) No.1342 of 2022

ORDER

This Civil Revision Petition is filed for early disposal of I.A.No.225 of 2019 in O.S.No.708 of 2017, on the file of the Subordinate Court, Tiruchendur.

2.The petitioner has filed a suit in O.S.No.708 of 2017 before the Subordinate Court, Tiruchendur for the relief of partition. The said suit was decreed and a preliminary decree was passed on 13.03.2019. The petitioner has thereafter filed an interlocutory application in I.A.No.225 of 2019 to appoint an Advocate Commissioner to inspect the suit schedule property and partitioned the plaintiff share as per the preliminary decree and for passing final decree. The said application is still pending without any progress and therefore, the petitioner has filed this revision petition seeking a direction to the trial Court to dispose of I.A.No.225 of 2019 within a stipulated time limit.



C.R.P PD(MD) No.1342 of 2022

WEB COPY

3.The Hon'ble Supreme Court, in the decision in ***Kattukandi Edathil Krishnan and Others v. Kattukandi Edathil Valsan and Others***, reported in ***AIR 2022 SC 2841***, has held that the trial Court, soon after the passing of the preliminary decree for partition and separate possession of the property, has to take steps under Order XX Rule 18 CPC *suo motu*, without requiring the initiation of any separate proceedings by the decree holder.

4.Here, in the present case on hand, the petitioner has filed an interlocutory application in I.A.No.225 of 2019 for passing the final decree and the said application is still kept pending. In view of the above, this civil revision petition stands disposed of, with a direction to the learned Subordinate Judge, Tiruchendur, to dispose of the application in I.A.No.225 of 2019 in O.S.No.708 of 2017, in accordance with law, as expeditiously as possible, preferably within a



C.R.P PD(MD) No.1342 of 2022

period of two months from the date of receipt of a copy of this order.

WEB COPY

There shall be no order as to costs.

09.09.2022

Index : Yes / No.

Internet : Yes / No.

vrn

To

The Subordinate Court, Tiruchendur



WEB COPY



C.R.P PD(MD)No.1342 of 2022

B.PUGALENDHI, J.

vrn

C.R.P(MD)No.1342 of 2022

09.09.2022