



CRP(MD)No.1423 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.1423 of 2022

S.Rajeswari

: Petitioner

Vs.

1.Gandhiraj

2.S.Vallabai Patel

3.S.Selvaraj

4.S.Marimuthu

5.E.Vijayalakshmi

6.Thailammai

7.Kalaignar @ Karunanithi

8.Nagarajan

: Respondents

PRAYER: Civil Revision Petition filed Article 227 of the Civil Procedure Code seeking early disposal of I.A.No.536 of 2016 in O.S.No.1596 of 2004, pending before the District Munsif Court, Trichy.



CRP(MD)No.1423 of 2022

For Petitioner : Mr.D.Saravanan

For Respondents : No appearance

ORDER

The petitioner has filed a suit in O.S.No.1596 of 2004 before the District Munsif Court, Trichy, seeking partition. The said suit was decreed and a preliminary decree was passed on 19.12.2006, allotting 1/5th share of the suit property to the petitioner. The petitioner has thereafter filed an interlocutory application in I.A.No.536 of 2016 to allot her share by appointing an Advocate Commissioner 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 the case in I.A.No.536 of 2016 within a stipulated time limit.

2.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



CRP(MD)No.1423 of 2022

take steps under Order XX Rule 18 CPC *suo motu*, without requiring the initiation of any separate proceedings by the decree holder.

3. Here, in this case, the petitioner has filed an interlocutory application in I.A.No.536 of 2016 for passing the final decree and the said application is still pending for the past six years. In view of the above, this civil revision petition stands disposed of, with a direction to the learned District Munsif, Trichy, to dispose of the application in I.A.No.536 of 2016 in O.S.No.1596 of 2004, in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
gk

01.09.2022

To

The District Munsif,
Trichy.



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CRP(MD)No.1423 of 2022

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CRP(MD)No.1423 of 2022

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