



WEB COPY



C.M.A.No.59 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.10.2023

CORAM:

MR. JUSTICE N.SESHASAYEE

C.M.A.No.59 of 2022

1.Chandra
2.Karthik
3.Gowsick

... Appellants

Vs.

1.Sengodan
2.Chinnammal
3.Sivakami
4.Pappathi
5.Sukumar
6.Gandhimathi
7.N.K.Subramaniam
8.S.Gopalakrishnan @ Gopal
9.S.Karthik @ Anil Kumar
10.Maragatham

11.State rep. by District Collector
Collector Office Complex
Namakkal

12.The Revenue Divisional Officer
Mohanur Road
Namakkal

13.The Special Tahsildar
Land Acquisition
Collector Office Complex
Namakkal

... Respondents



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PRAYER: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the fair and decreetal order dated 08.12.2021 made in I.A.No.1 of 2019 in O.S.No.138 of 2018 on the file of Additional District Judge, Namakkal.

For appellants : Mr.R.Bharath Kumar

For respondents: Mr.S.Senthil - R1 to R3
R4 to R10 No Appearance
Mr.P.Jagadeesan - R5
R6 - No such person
R7 to R9 - left

Mr.M.R.Gokul Krishnan
Addl. Govt. Pleader - R11 to R13

JUDGMENT

The present appeal arises out of an order dismissing an Interlocutory application in I.A.No.1 of 2019 filed in a suit for partition in O.S.No.138 of 2018, seeking to restrain the land acquisition authority from disbursing the amounts to the defendants to the suit.

2.This Court is informed that the land acquisition authorities have since disbursed the compensation amount to the respondents / defendants and that the amount payable to the plaintiff / appellant alone is withheld.

3.Learned counsel for the respondents / defendants submits that the defendants



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contest the right of the plaintiff to seek partition since according to them he is not falling within the branch of the common ancestors and that a partition within the family of the common ancestors had already taken place.

4.This Court understands that the suit in O.S.No.138 of 2018 is ready to go for trial. Given the nature of defence taken by the defendants in the suit, this Court directs that such share as now presumed to be representing such share of the plaintiff is directed to be left in the Court deposit and the entitlement of the plaintiff to receive the same will depend on the outcome of the suit.

5.So far as the present appeal is concerned, nothing survives for consideration and hence the same is dismissed. The trial Court is however directed to expedite the trial and dispose of the same within a period of six (6) months from the date of receipt of a copy of this order. No costs.

13.10.2023

kas

Index : Yes / No
Neutral Citation



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N.SESHASAYEE

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To.

1.The District Collector
Collector Office Complex
Namakkal

2.The Revenue Divisional Officer
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3.The Special Tahsildar
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