



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP (PD) No. 715 of 2023

Kavitha ... Petitioner/4th Respondent/4th Defendant

Vs

1. R.Srividya ... Respondent/Petitioner/Plaintiff

2. Mrs. Sathyalakshmi alias Lakshmi

3. R.Balamurugan

4. B.Tejas

5. Karpagam Jewellers ... Respondents/R 1-3 & 5/ Defendants 1 to 3 & 5

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in a memo in I.A.No. 3 of 2020 in O.S.No. 672 of 2020 dated 29.07.2022 on the file of I Additional District Judge, Coimbatore.

For Petitioner : Mr. P.R.Raman
Senior Counsel
for M/s. Raman and Associates

For 1st Respondent: Mr. Sam Jayaraj Houston
for M/s. Sarvabhauman Associates

**ORDER**

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The fourth respondent in O.S.No. 672 of 2020 now pending on the file of I Additional District Court, Coimbatore, is the revision petitioner.

2. The said suit had been filed against five defendants seeking declaration that the plaintiff is entitled for a 5/6th share in items 1 to 7 of the suit property and 1/4th share in Item No.8 and to order division of the properties by metes and bounds and allot the share of the plaintiff separately and to declare that the settlement deed dated 28.09.2020 registered as Doc.No. 7332 of 2020 on the file of Sub Registrar, Gandhipuram, purported to be executed by the first defendant to the third defendant is void, illegal and unenforceable and will not bind the plaintiff and to appoint a receiver to take charge of the item No.1 and also other consequential reliefs.

3. In the suit, admittedly, the first defendant is the mother of the plaintiff, the second defendant is the brother of the plaintiff and the third defendant is the son of the second defendant.



4. The defendants had filed written statement. During the course of the pendency of the suit, the petitioner has filed a Petition in I.A.No. 9 of 2021 to appoint an Advocate Commissioner with basic knowledge of operating the computer systems to visit item Nos. 1 and 4 properties of the plaint and verify and check all the accounts, records and registers, etc. That petition was contested by the plaintiff. On hearing both sides, the trial Judge has allowed the Petition and an Advocate Commissioner has been appointed and the report has also been filed.

5. The plaintiff has filed I.A.No. 3 of 2020 seeking to appoint Receiver to take charge and control of Karpagam Abarna Maligai and Karpagam Jewellers. That application was allowed and the Receiver was also appointed and joint ownership control was given to the plaintiff and the mother/first defendant. Due to age factor, the mother was not able to control Karpagam Abarna Maligai and Karpagam Jewellers, the plaintiff filed a memo before the trial Court stating that the mother is not co-operating.

6. The Trial Court has passed an order in the said memo stating that with regard to the control of Karpagam Abarna Maligai and



Karpagam Jewellers, the first respondent is permitted to keep the keys but a duplicate is given to the petitioner and the fixed deposit and investments are to be handed over to the Auditors for safe custody. Challenging the said impugned order, the fourth respondent/ the revision petitioner has preferred this Civil Revision Petition.

7. When the matter was taken up, the learned counsel appearing for the first respondent submits that the first defendant, namely, Ms Satyalakshmi alias Lakshmi has expired.

8. The learned counsel appearing for the revision petitioner submits that the revision petitioner is not pressing the order passed in the memo but on the other hand, he prays this Court to give a direction to the Trial Court to dispose of the matter as expeditiously as possible.

9. On perusal of the entire materials available on records reveal that the suit for partition has been filed in the year 2020 and number of interim applications have also been filed between the parties. All the defendants have filed their written statements and the suit is now ripe for trial, a direction is issued to the trial Court.



WEB COPY 10. Accordingly, the I Additional District Court, Coimbatore, is directed to frame issues and conduct trial in O.S.No. 672 of 2020 and complete the same as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

11. This Civil Revision Petition is disposed of. No costs.

14.03.2023

vsg

Index: Yes/No

Speaking order / Non speaking order

To:

1.I Additional District Court, Coimbatore.

2.The Section Officer,
VR Section,
Madras High Court, Chennai.



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T.V.THAMILSELVI, J.

Vsg

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