



C.R.P.No.1853 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN.

C.R.P.No.1853 of 2021

and

C.M.P.No.14442 of 2021

P.Ponnusamy ...Petitioner/6th Respondent/Defendant.

Vs.

Periammal (Died)

Motachi @ Kolandhaiammal (Died)

Rathinammal (Died)

Lakshmiammal (Died)

Kaveriammal (Died) ...Respondents/Petitioners/Plaintiff 1 to 5

1.Chinnapalli Gounder

2.Arumugam

3.Palani

4.Dhanabakiam

5.Raja ...Respondents/Petitioners/Plaintiffs (6 to 10)

[Impleaded as per order in I.A.No.943/2016 dated 01.12.2016 as Plaintiff (6) to (10)]

Ellammal (Died)

Venkattammal (Died)



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Malliga (Died)

...Respondents/Defendants 1 to 3

6.Samundeeswari

7.Vasantha ...Respondents/Respondents/Defendants 4 & 5

[Impleaded as per order in I.A.No.1881 of 1994 dated 15.08.1994 as Respondent 4 & 5]

8.Senthil

9.Rangammal

10.Minor Adikesavan

(16 years Rep.by Mother &

Natural Guardian Rangammal

(9th Respondent) ...Respondents/Respondents/Defendants 6 to 9

[Defendants (6) to (9) impleaded and amend as per order in I.A.No.694 of 2011]

11.Elangovan

12.Srinivasan

13.R.Sivakumar

14.Ramasamy

15.Mariappan Gounder

16.Chinnammal

17.Krishnamoorthy ...Respondents/Respondents/3rd parties 10 to 16

[3rd parties 10 to 16 impleaded as per order in I.A.No.109 of 2015, 257 of 2015, 565 of 2015, 813 of 2015 and 379 of 2015, order dated 01.12.2016]

Prayer:Civil Revision Petition filed under Article 227 of the Constitution

of India to direct the Hon'ble District Munsiff Court, Krishnagiri to reconstruct the records/case bundle of O.S.No.850 of 1980 pending on the



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file with the available records within a time frame fixed by this Hon'ble

Court.

For Petitioner : Mr.T.N.Muralimoghan

For Respondents :

(RR3,4,5,6,11 : No Appearance
and 13 to 17)

(RR1,2,8,9,12 : Not Ready in Notice.
7 nd 8 to 10)

(R10) : Minor represented by R9.

ORDER

A suit for partition had been initiated before the Court in the year 1980. The suit proceeded for hearing and ended in a preliminary decree on 30.04.1986. Thereafter, the papers were lost and the plaint and the records were not available in the court.

2. Therefore, when the final decree application was taken up for hearing, only the IA's were available and the other papers were not found in the court records. Consequently, the interlocutory applications have been pending for decades on end. Pursuant to a direction passed by this



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court on 10.01.2022, the Principal District Judge has given a report stating that the following documents were available;

- (i).Judgment dated 30.04.1986 in O.S.No.850 of 1980.
- (ii).Final Decree proceedings.
- (iii).Appeal suit register extract.
- (iv).Commissioner's report with plan.
- (v).Written statement of D2 and
- (vi). Copy of the preliminary decree.

3. The Learned Judge has expressed his difficulty in proceeding with the matter since the copy of the plaint is not available. From the narration above, it is clear that the copy of the preliminary decree is available. I have gone through the certified copy of the preliminary decree sent by the District Munsiff at Krishnagiri. The schedule of property has been clearly given.

4. When the matter was listed before me, I had called for an explanation from the learned District Munsif as to why the final decree



applications are kept pending. This order was passed on 13.07.2023. The learned District Munsif has expressed his inability to proceed with the final decree proceedings without a copy of the plaint. The details that are necessary are already available with the court in the form of the judgment in the suit and copy of the preliminary decree and the appeal suit extracts.

5. This court directs the Learned District Munsif to take up the applications passed for final decree in I.A.No.219 of 2017 and I.A.No.690 of 1986 and proceed further without waiting for the copy of the plaint.

6. It is the duty of the court to ensure that a party sees the end of the litigation especially in a partition suit, where the suit is deemed to be pending from the date of filing of the suit till the date of passing of the final decree. During the course of the proceedings, if the plaint surfaces, the learned District Munsiff may use it. Otherwise, he is requested to proceed with available papers and pass a final decree order within a period of three (3) months and report it for compliance.

7. With the above directions this civil revision petition is ordered. No costs. Connected civil miscellaneous petition is closed.



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citations : Yes/No

V. LAKSHMINARAYANAN.J,

nst

To:
The
Hon'ble Munsif Court, Krishnagiri,
Chennai.

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