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CRP No.1425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE Dr.JUSTICE **D.NAGARJUN**

CRP No.1425 of 2023

Pyari Bi

... Petitioner

-Vs-

1. A.S.J.Alla Bakash
2. A.S.J.Kamal Basha
3. A.S.J.Rashid Basha
4. A.S.J.Rajak Basha
5. Malin Bi
6. M.Noorjahan
7. Jamal Settu
8. Saleem Settu
9. Mothi
- 10.Anarkali
- 11.Suriya Bi

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to fix an early date for final disposal of the appeal in A.S.No.7 of 2012 on the file of the Subordinate Court, Arani, Tiruvannamalai District.

For Petitioner : Ms.A.B.Fathima Sulthana



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ORDER

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Heard the learned counsel for the revision petitioner. Perused the records.

2. This Civil Revision Petition is filed seeking for a direction to the learned Subordinate Court, Arani, Tiruvannamalai District to dispose of A.S.No.7 of 2012 as early as possible.

3. The petitioner/plaintiff has filed O.S.No.83 of 1994 seeking partition of the schedule of property therein. Subsequently the said suit was transferred and renumbered as O.S.No.38 of 2004 and came to be decreed on 30.03.2011. Aggrieved by the said judgement, the first respondent/appellant has filed an appeal in A.S.No.7 of 2012 on the file of the Subordinate Court, Arani. Since then, the appeal has not been disposed of for one reason or the other. Copy of the proceedings sheet filed by the petitioner would show that the matter is posted for taking steps for amendment.



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4. It is submitted that during the pendency of this appeal, the respondents 3 & 9 have passed away, thereby the matter is posted from time to time for bringing the LR's on record. It is also reported by the learned counsel that the majority of the parties to this petition are senior citizens and some of them are not keeping good health.

5. Considering the circumstances and keeping in view of the age of the parties to the appeal, the Appellate Court should have taken steps to see that the matter is disposed of at earlier point of time. In case, the appellant is not coming forward to take steps to bring the LR's or to complete any other directions of the Court, the learned Appellate Court can take appropriate coercive steps.

6. During the course of submission, the learned counsel for the petitioner brought to the notice of this Court that earlier, the petitioner has moved a similar application, wherein this Court has directed the Trial Judge to dispose of the appeal in A.S.No.7 of 2012 within a period of two months from the date of receipt of a copy of the said order in CRP.Nos.1910 & 1914 of 2013. However, it is submitted by the learned counsel for the petitioner



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Dr.D.NAGARJUN, J.

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that on account of wrongly printing of Court name as Additional District Court, Fast Track Court, Arani instead of Sub Court, Arani, these orders could not be properly communicated to the Court.

7. Considering the circumstances, this Civil Revision Petition is allowed, directing the Subordinate Judge, Arani to dispose of A.S.No.7 of 2012 as expeditiously as possible by completing all steps required to be taken. However, the disposal shall be not later than four(4) months from the date of receipt of a copy of this order. There shall be no order as to costs.

27.04.2023
(3/3)

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To

1. The Sub Court,
Arani.

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