



C.R.P.Nos.3502 & 3506 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2023

CORAM

THE HON'BLE MRS JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.Nos.3502 & 3506 of 2023

C.R.P.Nos.3502 of 2023

M.Nandhakumar

... Petitioner

Vs.

1.M.Gopinathan

2.Suresh Babu

3.Captain Amarnath

... Respondents

C.R.P.Nos.3506 of 2023

M.Nandhakumar

... Petitioner

Vs.

1.M.Gopinathan

2.Captain Amarnath

... Respondents

COMMON PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal Sub Judge, Vellore to dispose of the suit in O.S.Nos.55 of 2005 & 46 of 2004 at an early date without further adjournments.



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For Petitioner
in both the C.R.Ps : Mr.S.Sivapandi

COMMON ORDER

This Civil Revision Petition has been filed by the petitioner to issue direction to the Principal Sub Judge, Vellore to dispose of the suit in O.S.Nos.55 of 2005 & 46 of 2004 at an early date without further adjournments.

2. The suit in O.S.Nos.55 of 2005 & 46 of 2004 is filed by the respondents herein seeking permanent injunction restraining the defendant/petitioner from interfering with the plaintiffs/respondents possession and enjoyment of the suit scheduled properties and also to declare the 2nd plaintiff's title to the schedule mentioned property and for granting a permanent injunction restraining the defendant from interfering with the 2nd plaintiff's possession and enjoyment of the B scheduled property.



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3. Originally, the suit scheduled properties belong to one Govindammal and Chinnammal (alias) Ponnammal, by virtue of two registered Sale Deed, dated 04.05.1933 and 02.01.1935. Though the sale deed stood in the name of Govindammal it was actually purchased by Chinnammal (alias) Ponnammal out of her own income and was in exclusive possession and enjoyment of the same. Due to old age ailments, the said Chinnammal (alias) Ponnammal was unable to manage her properties. Therefore, she executed a Power of Attorney in the name of her brother viz., Maduraimuthu on 25.08.1988 granting him the absolute rights to manage the suit scheduled mentioned properties. The plaintiffs/ respondents and the defendant/petitioner are the sons of the said Maduraimuthu. By undue influence, coercion and fraud and without the knowledge of Ponnammal the defendant executed two sale deeds, dated 16.08.1987 and 19.10.1987 in respect of the of the scheduled mentioned properties.

4. While that being the case, Ponnammal, while in a sound and



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disposing state of mind executed a Will dated 16.11.1988 bequeathing 85 cents to her brother Maduraimuthu and 68 cents to her brother's sons namely the plaintiffs respectively in S.Nos.234/1B, 136/2B, 236/3B and 236/4. The plaintiffs father had settled the 85 cents given to him in favour of the plaintiff and Navinkumar. Therefore, the said Navinkumar filed a suit in O.S.NO.264 of 1992 for partition before the Sub Court, Vellore and in respect of the 68 cents given to them by Ponnammal by Will dated 16.11.1988. A Preliminary and final decree was passed, allotting the 'A' scheduled property to the 1st plaintiff, 'B' schedule property to the 2nd plaintiff and C schedule property to the 3rd plaintiff. The defendant filed a suit in 167 of 2000 for declaration of the title or in alternative for partition of his share in the scheduled mentioned properties and hence, the plaintiffs had filed the suit in O.S.No.55 of 2005 before the Principal Sub Judge, Vellore. The plaintiffs by virtue of their long possession and title the Tahsildar granted a patta in their favour. Gopinath one of the sons of Maduraimuthu in whose favour there is a sale of 17 cents by ponnammal appealed against the order of the Tahsildar to the Revenue Divisional



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Office, Vellore who set aside the order of the Tahsildar and restored the order of Tahsildar. Aggrieved by this order, the said Gopinath filed a Revision before the Special Commissioner, Land Administration, Chennai, who allowed the appeal and had restored the Patta in favour of Govidammal and Ponnammal.

5. There is also another suit in O.S.No.589 of 1996 on the file of the District Munsif, Vellore filed by the Unnamalai Ammal, one of the daughters of Govindammal for partition and separate possession impleading her brother Maduraimuthu and all his sons. Therefore, the plaintiffs had filed a another suit in O.S.No.46 of 2004 for permanent injunction restraining the defendant to interfere in the peaceful possession of the suit scheduled properties.

6. Heard, the learned counsel for the petitioner and perused the material available on record before this Court.

7. The learned counsel for the petitioner submitted that the said suits



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are pending for nearly two decades and that the learned Judge ought to have disposed of the suits on the facts and circumstances of the case without undue delay after commencing the trial. Due to the pendency of the suits the petitioner herein is put to day-to-day loss and hardship on account of the delay and hence, prayed to issue direction to the Principal sub-Judge, Vellore to dispose of the suits as early as possible.

8. Considering the fact that the suits is of the year 2004 and 2005 and without going into the merits of the case, this Court is of the view that it would be appropriate to issue direction as to the Principal Sub Judge, Vellore for speedy disposal of the suits. Accordingly, this Court directs the Principal Sub Judge, Vellore to dispose of the O.S.Nos.55 of 2005 & 46 of 2004 as expeditiously as possible within a period of 6 months ie., on or before 30.04.2024.

9. With the above direction, these Civil Revisions are disposed of.
No costs.



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Index : Yes/No
Speaking : Yes/No
NCC : Yes/No
gba

To
The Principal Sub Court,
Vellore.

V.BHAVANI SUBBAROYAN.J.,

gba

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