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C.R.P.(NPD).No.3469 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

C.R.P.No.3469 of 2023

S.A.Kanthasamy, (Deceased)

S.K.Sundararajan

... Petitioner

Cause title accepted vide Court order dated 05.09.2023 made in C.M.P.No.14179 of 2023 in C.R.P.SR.No.82752 of 2023

Vs.

Rajammal

... Respondent

PRAYER: This Civil Revision Petition has been filed under Article 227 of Constitution of India, seeking for a direction directing the learned IV Additional Subordinate Judge at Coimbatore to dispose of the suit in O.s.No.135 of 2018 within a stipulated time as fixed by this Court.

For Petitioner : Mr.R.Jayaprakash

ORDER

This Revision Petition has been filed by the petitioner herein to issue a direction to the IV-Additional Subordinate Judge, Coimbatore to dispose of the suit in O.S.No.135 of 2018 within a time frame fixed by this Court.



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2. The case of the petitioner is that the suit in O.S.No.135 of 2018 was filed by the respondent/plaintiff herein to divide the item No.1 of the suit scheduled properties into three equal shares and allot one such share to the respondent/plaintiff and further to divide the item Nos.2 and 3 of the suit scheduled properties into two shares and allot one such share to the plaintiff along with costs of the suit and the said suit was filed on 20.01.2018. The suit for partition is among the family members. Thereafter, the trial was commenced and at that juncture, the respondent/plaintiff filed various applications for interim injunction and impleading. Since 13.09.2021, the matter was posted on various dates for taking steps in the said applications and the same is pending till date. Hence, the petitioner has filed the present Revision.

3. The learned counsel for the petitioner submitted that the matter was periodically adjourned by the trial Court without any reason and the petitioner herein is aged about 57 years and the respondent/plaintiff is aged about 81 years and they are suffering from various age old ailments and ill health. The suit is filed for partition by the respondent and the petitioner herein had filed his written statement



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stating that the respondent's grand father had settled the property in item No.1 in favour of the petitioner by way of registered gift settlement deed, dated 25.08.1999 registered as Document No.2734 of 1999.

4. He further submitted that the suit was filed in the year 2018 and the written statement was filed by the petitioner/defendants in the same year, whereas, the suit is still pending and hence, prays interference of this Court for speedy disposal of the suit in O.S.No.135 of 2018.

5. Heard the learned counsel for the petitioner and perused the materials available on record before this Court.

6. On perusal of records, it is seen that when the suit was pending, the respondent/plaintiff filed two applications for injunction and other two applications is for taking steps as the 1st respondent had demised and after that steps were to be taken and posted on 13.09.2021. From that date onwards till 2022, the matter is posted for taking steps. After that impleading applications are still pending



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without any progress. Further, the suit for partition is only between the family members and that the trial Court ought to have made the parties to take steps and proceed with the trial, so far, the same has not been disposed and the I.As are pending in the suit for more than five years.

7. Considering the fact that the the petitioner herein is aged about 57 years and the respondent/plaintiff is aged about 81 years and they are suffering from various age old ailments and ill health issues 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 IV-Additional Subordinate Judge, Coimbatore for speedy disposal of the suit.

8. Accordingly, this Court directs the IV-Additional Subordinate Judge, Coimbatore to dispose of the suit in O.S.No.135 of 2018 as expeditiously as possible within a period of one year from the date of receipt of a copy of this order.

9. This Civil Revision is disposed of. No costs.

21.09.2023

Index: Yes/No



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Internet: Yes/No
Speaking Order/Non Speaking Order
gba

V.BHAVANI SUBBAROYAN., J.

gba

To

The Additional Subordinate Court-IV, Coimbatore

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21.09.2023