



C.R.P. No. 3286 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 3286 of 2023

Ramanujalu Naidu (died)

1. Jayalakshmi

...Petitioner

.Vs.

1. Ravi

2. Udhayan

3. Sankar

4. . Narmadha

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Principal District Munsif Judge, Cheyyar to complete the proceedings in I.A.No.254 of 2019 in O.S.No.180 of 1973 within the time limit fixed by this Hon'ble Court and pass orders.



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For Petitioner : Mr. J. Venkatesan

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ORDER

This petition is filed to issue a direction to the learned Principal District Munsif Judge, Cheyyar to complete the proceedings in I.A.No.254 of 2019 in O.S.No.180 of 1973 within the time limit fixed by this Court.

2. The facts of the case is that there was a property dispute between the petitioner and the respondent, due to which O.S.180 of 1973 was filed by the petitioner herein and one Ramanuja Naidu(deceased) and the said suit was decreed on 26.09.1983 and final decree was passed on 02.07.2009. The suit was decreed only based on the Advocate Commissioner's report. Thereafter, it came to light that there was a error crept in the Advocate Commissioner's report, due to which the decree had become non-executable. Hence, in order to rectify the same the petitioner filed an application in E.A.No.11 of 2016 to amend the decree which was allowed. However, the learned Judge has taken a stand that the error in the final decree has to be rectified to execute the decree, due to which the



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petitioner had filed an application in I.A.No.254 of 2019 in O.S.No.180 of 1973 to rectify the Final Decree and the same is pending till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that the matter was adjourned continuously from 29.11.2019 to 16.02.2022 and on 16.02.2022 the learned Judge had raised query relating the subject property. The learned Judge ought to have raised the query in the initial stage itself. Thereafter, again the matter was adjourned periodically and till date there is no progress in the said I.A. Hence prays to allow this petition.

4. On a perusal of records, it is seen that the suit is of the year 1973 and the decree was passed on 02.07.2009 and till date the petitioner is not able to enjoy the fruits of the decree. The Court adjudication sheet reveals that the matter was adjourned for a period of one year i.e from the year 2022 to till date for perusal of records, which is not justifiable.

5. In view of the above, the learned Principal District Munsif Judge, Cheyyar is directed to dispose of the I.A.No.254 of 2019 in



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O.S.No.180 of 1973 within a period of four weeks from the date of receipt
of a copy of this order.

6. With the above directions, this Civil Revision Petition is
disposed of. No order as to costs.

08.09. 2023

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Index : Yes/No

Internet: Yes/No

To.

1. The Principal District Munsif Judge, Cheyyar



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V.BHAVANI SUBBAROYAN,J.
Smn

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