



C.R.P(PD)No.2715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P(PD)No.2715 of 2023

- 1.Amulu
- 2.Anjaleena
- 3.Anthonyraj
- 4.Amalraj
- 5.Kasper
- 6.Tharsus
- 7.Christhuraj
- 8.Irudhayaraj
- 9.Sagayaraj

...Petitioners

VS.

- 1.Jathroothammal
- 2.George
- 3.Sivasubramanian
- 4.Rajamanickam
- 5.Thirugnanasammandham
- 6.Meenatchi
- 7.Anbu Elangovan
- 8.Pulikesi
- 9.Nallathambi
- 10.Manimaran
- 11.Saravanan
- 12.M/s.Tamil Nadu Waste Management Limited,
Rep. by Sreedhar Reddy,
13th Block, 2G, Nolambur, Chennai – 600 095.
- 13.Venkatesh



C.R.P(PD)No.2715 of 2023

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14.M/s.Maridi Eco Industries Pvt. Ltd.,
Rep. by its Managing Director,
Alla Peri Reddy,
No.5, C.M.Palaza, No.71,
8th Cross, 1st Main, Sampangirama Nagar,
Bangalore – 560 027.

15.Chanti Anji Reddy

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying for speed disposal in O.S.No.36 of 2018 which is pending on the file of the learned Sub-Ordinate Judge, Maduranthakam, within stipulated time of the above original suit.

For Petitioners : Mr.P.Vijendran

ORDER

The Civil Revision Petition has been filed seeking for speedy disposal and to fix a time in O.S.No.36 of 2018, which is pending on the file of the learned Subordinate Judge, Maduranthakam.

2.The brief facts of the case is that the petitioners are the lawful and absolute co-sharers of the property of land comprised in Kinar Village at S.No.30 to an extent of 1 acre 87 ½ cents at Kinar Village,



C.R.P(PD)No.2715 of 2023

Madurantakam Taluk, Kancheepuram District which is more fully described in the scheduled property referred to as the Item No.1 and the property of land comprised in Kinar Village at S.No.29/4 to an extent of 92 cents at Kinar Village, Madurantakam Taluk, Kancheepuram District which is more fully described in the scheduled property referred to as the Item No.2. The said Item No.1 property originally purchased by Jhornas Mastry under various registered Sale Deeds vide Doc.No.588/1941, Doc.No.777/1943, Doc.No.212/1946 and Doc.No.882/1943 before the SRO, Maduranthakam. The said Item No.2 property was also purchased by the said Jhornas Mastry under the registered Sale Deed vide Doc.No.588/1941 before the SRO, Maduranthakam.

3.Learned counsel for the petitioners submitted that the petitioners are entitled for 3/4th share in the suit property. When the petitioners had applied for an Encumbrance Certificate before the SRO, Maduranthakam, they came to know on perusing the entries that the first respondent had fraudulently sold Item No.1 of the suit property to the second respondent under registered Sale Deed vide Doc.No.10/1990. According to the petitioners, the tenth respondent was set exparte on



C.R.P(PD)No.2715 of 2023

02.01.2010 and the respondents 11, 13, 14 and 15 were also set as exparte on 08.02.2023 for non-filing of their respective written statements and the respondents 3 to 6 were also set as exparte on 01.03.2023 by the learned Subordinate Judge, Madurantakam.

4.He further submitted that the second respondent died and therefore, the petitioners filed a petition on 08.02.2023 to set aside abatement under Order XXII Rule 9 read with Section 151 of C.P.C and the said petition had been returned on 01.03.2023 for certain compliance. The same had been complied and re-presented.

5.According to the petitioners, the respondents 1, 7 to 10 are alive and they have not filed a written statement till now. Due to pendency of O.S.No.36 of 2018, the petitioners are facing huge economical loss and therefore, the Court ought to have completed the trial within the reasonable time after providing equal opportunity to all the stakeholders.



C.R.P(PD)No.2715 of 2023

6.Heard learned counsel for the petitioners and perused the

materials available on record.

7.On going through the averments, it is seen that originally the suit was filed to pass a Decree and Judgment in favour of the plaintiffs against the defendants: (a) to pass a preliminary decree of partition and separate possession on the suit property into 4 equal shares and allot 3/4th share to the plaintiffs by metes and bounds, (b) to appoint an Advocate Commissioner to effect division of the schedule mentioned property for passing a final decree in accordance with law, (c) for declaration of registered Sale Deed Document No.10 of 1990 dated 03.01.1990 on the file of the SRO, Maduranthakam as null and void and (d) for declaration of registered Sale Deed Document No.215 of 1994 dated 09.02.1994 on the file of the SRO, Maduranthakam as null and void. According to the petitioners, the respondents 1, 7 to 10 are alive and they have not filed a written statement till now. It was submitted that due to pendency of the said Original Suit, the petitioners are facing huge economical loss.



C.R.P(PD)No.2715 of 2023

8.Considering the facts and circumstances of the case, the submissions made by the learned counsel for the petitioners and as the suit is of the year 2018, this Court is of the view that a direction may be given to the Trial Court to dispose of the matter . Accordingly, the Trial Court is directed to complete the proceedings and dispose of O.S.No.36 of 2018 as expeditiously as possible preferably within a period of one year, i.e. 31.09.2024.

9.With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

08.08.2023

Index: Yes/No

Speaking Order/Non-Speaking Order
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To

The Sub-Ordinate Judge, Maduranthakam.



C.R.P(PD)No.2715 of 2023



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C.R.P(PD)No.2715 of 2023

V.BHAVANI SUBBAROYAN, J.

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C.R.P(PD)No.2715 of 2023

08.08.2023