



C.R.P. No. 2840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.18.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2840 of 2023

Smt. R. Manimegalai

...Petitioner

.Vs.

1. D. Alphonse Rajkumar
- 2.A. Samuel Rajendran
3. C.D. Selvarasu
4. M. Meenakshi
- 5.V. Parvathy
6. R. Shanthamani
7. K.Easwaramurthy
8. G. Rangasamy @ G. Rangarajan
- 9.D. Krishnaveni
10. A.S. Paneerselvam



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11. Ravichandran John Jesudas

12. Grace Kanagarathinam Rajakumari

13. Sheela John

14. Rajeshkumar John

15. N. Selvi

16. Siria Pushpam

17. M. Elangovan

S.B.Thilak Kumar(deceased)

..Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking a direction to pass an order directing the learned V District and Sessions Judge at Coimbatore to treat the suit in O.S.No. 424 of 2018 as urgent and conduct trial on a day to day basis and dispose the suit within the time frame.

For Petitioner : Mr.Krishna Ravindran



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ORDER

This petition is filed seeking a direction to pass an order directing the learned V District and Sessions Judge, Coimbatore to treat the suit in O.S.No. 424 of 2018 as urgent and conduct trial on a day to day basis and dispose the suit within the time frame.

2. The case of the petitioner is that there was a dispute in partitioning the subject property, due to which the first and second respondents filed the above suit seeking to divide the property and for appointment of Advocate Commissioner to demarcate the suit property and also to grant permanent injunction restraining the defendants in any manner encumbering, alienating or altering the physical features of the suit property. The grievance of the petitioner is that the suit was filed in the year 2018 and there is no progress in the above suit till date. Whiles on 20.01.2023 the matter was posted in the special list as the suit was ripe for trial, Meanwhile 17th defendant in the suit passed away and the suit was posted for taking steps to bring the legal heirs on record. However, till date the legal heirs of



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the 17th defendant was not impleaded in the suit and the suit is pending.

Hence, this petition.

3. The learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 74 years and he was made to run from pillar to post to attend the Court proceedings. He further submitted that the suit was filed by the first and second respondents herein and they ought to have initiated any action to implead the legal heirs of the the deceased defendant instead they are simply dragging the proceedings. He further submitted that even though it was admitted that the suit is ripe for trial on 20.01.2023 and till date the trial has not commenced. He also submitted that the first and second respondents having filed the suit are not ready to co-operate to complete the proceedings. Hence he prays this Court to allow this petition.

4. In view of the above, the learned District and Sessions Judge(V), Coimbatore is directed to dispose of the suit after impleading 17th



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defendant in O.S.No. 424 of 2018 within a period of four weeks from the date of receipt of a copy of this order and to dispose of the suit preferably within a period of six months there on.

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

18.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The V District and Sessions Judge, Coimbatore



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V.BHAVANI SUBBAROYAN,J.
Smn

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