



C.R.P. No.3579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.No.3579 of 2023

Chinnaponnu,
W/o. Kannaiyaaram

... Petitioner

Vs.

Muthiyamooper (died)

1. Samundi,
S/o. Muthiyamoopar

2. Sayammal @ Samiyammal,
W/o. Subramanian

... Respondents

PRAYER: Civil Revision Petition filed under Art. 227 of Constitution of India, praying to direct the learned Sub-Court, Kallakurichi to dispose the suit in O.S.No.51 of 2016 seeking for partition within stipulated time.

For Petitioner

: Mr.S.N.Subramani



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ORDER

The revision petitioner is the plaintiff in the suit in O.S.No. 51 of 2016 and she filed the said suit seeking for the relief of partition. All the defendants appears and filed their written statement. Issues were framed and the case is posted for trial eight months back, but due to non-closure of evidence, the trial was not proceeded further.

2. Since the relief is claimed against the trial judge, notice to the respondent is dispensed with.

3. E-court status perused. Though P.W.1 was present, there is no representation on the side of defendants. After the case is posted for judgment, the defendants remain exparte and exparte decree was passed. Subsequently, the defendants filed an application in I.A.No. 434 of 2023 seeking to set aside the exparte decree, but the same is pending without any progress. Considering the fact that the Revision Petitioner, being a woman, aged about 65 years, she approached the court, but there is no progress in



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the trial proceedings and on considering the reasons assigned by the Revision Petitioner justifiable one, this court is inclined to direct the trial judge to complete the trial and dispose the suit within a period of three months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is disposed of. No costs.

03.10.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

Sub-Judge,
Kallakurichi.



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T.V.THAMILSELVI, J.

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