



C.R.P.No.4023 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

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

C.R.P.No.4023 of 2023

K.Nallusamy

... Petitioner

-Vs-

1. Palaniammal
2. Nallammal
3. Sellammal

N.Rathinam (died)

4. Nallammal
5. Nachammal
6. Vasudeva Gounder
7. Pappayee
8. Ramasamy

Singaravelu (died)

9. Sellammal

Sivagami (died)



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10. Kandasamy
11. Karuppannan
12. Nallammal
13. Pandian
14. Swaminathan
15. Pappayee
16. Dhanalakshmi
17. Velumani
18. Arulmani
19. Parameshwari

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif Court, Namakkal, to dispose the suit filed for partition in O.S.No.399 of 2005 as expeditiously as possible.

For Petitioner : Mr.S.Senthil

ORDER

The Revision Petitioner herein is the 7th defendant in the suit in O.S.No.399 of 2005 on the file of District Munsif Court, Namakkal, which was filed by the respondents/plaintiffs 1 to 3 for the relief of partition and other consequential relief.



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2. Since the relief claimed by the Revision Petitioner only seeking a direction for a speedy disposal, the notice to the respondents is dispensed with.

3. The learned counsel for Revision Petitioner would submit that the suit was ripe for trial long back. But the plaintiffs are repeatedly filing interlocutory applications, due to which, the case is prolonged from the year of 2005. Since most of the defendants are senior citizens, the trial was not able to commence, though the suit is ripe for trial in the year 2018 itself. To substantiate his claim, he relied on e-court status and prayed to direct the trial court to dispose the case as early as possible.

4. Records perused. On verification of records as well as e-court status, it reveals that various applications were filed by the plaintiffs. Though they are entitled to take steps, but for that purpose, the case is prolonged from the year of 2005 and till date, there is no progress to commence the trial. Furthermore, now as on date, certain applications are



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pending to implead legal heirs of deceased and also to carry out amendment and also to file written statement by some of newly added defendants. Considering all those facts, this Court is inclined to direct the trial judge to complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order as per manner known to law without giving unnecessary adjournment. The respondents/plaintiffs 1 to 3 are directed to cooperate with the trial proceedings. Accordingly, this Civil Revision Petition is disposed of. No costs.

22.11.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Principal District Munsif, Namakkal.



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T.V.THAMILSELVI, J.

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