



*C.R.P(MD)No.356 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2023**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P(MD)No.356 of 2023**

Jeyamary(Mentally Unsound)  
Through his next friend Michael.

... Petitioner/1<sup>st</sup> Petitioner/  
1<sup>st</sup> Plaintiff

Vs.

1.Alphonse

2.Arulraj

Victoria Xavier (Died)

3.Arulandhu

4.Agnes Prabhu

5.Minor.Gnanam

Represented through his guardian  
4<sup>th</sup> respondent.

... Respondents/Respondents/  
Defendants

Joseph Sahayarani (Died)

6.John Peter

7.Minor.Jani Michael

Through his father and guardian  
John Peter.

... Respondents/Petitioners 2 to 4/  
Plaintiffs 2 to 4



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**PRAYER :** Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Additional District Munsif Court Karaikudi to dispose the final decree petition in I.A.No.77 of 2012 in O.S.No.165 of 2004, pending therein, within time fixed by this Court by allowing this civil revision petition.

For Petitioner : Mr.V.S.Rishikesh

### **ORDER**

The present revision petition has been filed for expeditious disposal of a final decree application in I.A.No.77 of 2012 in a suit for partition in O.S.No.165 of 2004 on the file of Additional District Munsif Court, Karaikudi.

2. A perusal of the B-Diary extract indicates that an Advocate Commissioner was appointed in the final decree proceedings in the year 2013 and he has not filed his report till August, 2019. Thereafter, a new Commissioner was appointed on 13.08.2019 and he is yet to file his report for the past 4 years.



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3. Considering the above said facts, the learned Additional District Munsif, Karaikudi is directed to dispose of I.A.No.77 of 2012 on or before 30.06.2023. In case, if the Commissioner has not filed his report, the Court is directed to appoint a fresh Commissioner and get a report within a period of 30 days and expedite the proceedings.

4. With the above said observations, this Civil Revision Petition stands allowed. No costs.

**15.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To

- 1.The Additional District Munsif Court,  
Karaikudi.
- 2.The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR ,J.**

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Order made in  
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