



C.R.P.(MD) No.1991 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1991 of 2023

G.Seeniammal

... Petitioner

Vs.

A.Seeniammal

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Judge at Kovilpatti, Toothukudi District, to expedite the trial in O.S.No.140 of 2021, within a time frame, which may be fixed by this Court.

For Petitioner : Mr.S.S.Kumar

ORDER

This Civil Revision Petition has been filed by the petitioner for early disposal of O.S.No.140 of 2021 on the file of the Sub Court, Kovilpatti, Toothukudi District.



C.R.P.(MD) No.1991 of 2023

2. Since this Civil Revision Petition filed by the petitioner is only for early disposal of the suit, the notice for the respondent is not required and is therefore dispensed with.

3. According to the petitioner, the respondent who is one of the petitioner's daughters, filed the suit in O.S.No.140 of 2021 before the Sub Court, Kovilpatti, Thoothukudi against the petitioner and two other daughters and one Rajapushpam, for partition of the suit properties. It is submitted that the suit property belonged to the husband of the petitioner and he, during his life time, had executed a registered Will dated 01.03.2007 in respect of the suit properties in favour of the petitioner.

4. It is further submitted that the petitioner had settled all the properties to and in favour of two other daughters who are the second and third defendants *vide* registered Settlement Deed dated 23.07.2021 as the petitioner is under the care and custody of the second and third defendants from 1996 onwards and they are taking care of the petitioner.

5. The learned counsel for the petitioner would submit that the suit is not maintainable as the petitioner got absolute rights to deal with the suit



C.R.P.(MD) No.1991 of 2023

properties as per her wishes. It is submitted that the petitioner is aged about 87 years and residing at Chennai along with second and third defendants and unless there is no direction to dispose the suit filed by the respondent, the respondent may drag on the case to the next generation.

6. Therefore, considering the facts and circumstances of the case and considering the age of the petitioner, the learned Sub Judge, Kovilpatti, Thoothukudi District is directed to expedite the trial in O.S.No.140 of 2021 and dispose the same, without giving any unnecessary adjournments, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, within a period of 6 months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. No cost.

10.08.2023

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

To : The Sub Judge,
Kovilpatti, Thoothukudi District.



WEB COPY



C.R.P.(MD) No.1991 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

jen

C.R.P.(MD) No.1991 of 2023

10.08.2023