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C.R.P(MD)No.2128 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2128 of 2023

Shanmugakani Ammal(Died)

1.Kanagamani

2.Pattu Rathi

... Petitioners/Petitioners

Vs.

1.Ramola Selva Radhika

2.Esakkiraja

3.Mogama

...Respondents/Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the I Additional District Court, Thoothukudi, to dispose of the I.A.No.1 of 2019 in O.S.No.13 of 2004.

For Petitioners

:Mr.S.Kadarkarai

ORDER

This civil revision petition is filed for a direction to direct the I Additional District Court, Thoothukudi, to dispose of the I.A.No.1 of 2019 in O.S.No.13 of 2004.



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2. According to the petitioners, the mother of the petitioners filed a suit in O.S.No.13 of 2004 before the I Additional District Court, Thoothukudi, for partition on 1/3rd share of the suit schedule properties as against the respondents. The said suit was dismissed on 25.06.2007. Against which, the petitioners' mother filed first appeal in A.S(MD)No.33 of 2008 before this Court. During the pendency of the said appeal, the petitioners' mother passed away and the petitioners were impleaded as appellants. The said appeal was allowed on 13.02.2018. Pursuant to which, the petitioners filed an application in I.A.No.1 of 2019 before the I Additional District Court, Thoothukudi, for passing of final decree in O.S.No.13 of 2004, in which, the first respondent has filed counter. Subsequently, an Advocate Commissioner was appointed and he has also filed his report on 25.01.2021. So far the trial Court adjourned the matter without any valid reason. Hence, the present civil revision petition is filed.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. The learned counsel appearing for the petitioner submitted the said I.A.No.1 of 2019 is of the year 2019 and so far there is no progress in the matter. It is further submitted that the only intention of the respondents is to



drag on the proceedings in order to cause financial loss to the petitioner.

Hence, he seeks for speedy disposal of the suit.

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5.Considering the facts and circumstances of the case, this Court directs the learned I Additional District Court, Thoothukudi, to dispose the I.A.No.1 of 2019 in O.S.No.13 of 2004, on merits and in accordance with law, as expeditiously as possible, without any unnecessary adjournment, after affording sufficient opportunities to the parties concerned to put-forth their contentions, within a period of two months from the date of receipt of a copy of this order.

6.With the above direction, this Civil Revision Petition is disposed of.

No costs.

05.09.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The I Additional District Court,
Thoothukudi.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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