



C.R.P.(MD) No.1721 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM

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

C.R.P.(MD) No.1721 of 2023

A.Krishnan

... Petitioner

Vs.

A.Sathasivam (Died)

1.S.Banumathi

2.S.Vijayalakshmi

3.Sangeetha

4.Akash Vignesh

A.Annapooranam Ammal (Died)

A.Somasundaram (Died)

A.Ramachandran (Died)

5.A.Viswam @ Viswanathan

A.Sethu (Died)

6.A.Pandithurai

7.The Village Administrative Officer,
Sivagangai.



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8.Jayapal

9.Baksaran

10.Selvi

11.Mohanambal

12.Saravanan

13.Panchavarnam

14.Kalidoss

15.Muthu

16.Venkatachalam

17.Amutha

18.Malliga

19.Alagarsamy

20.Vasanth

21.Thavamani

22.Sureshkumar

... Respondents

This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Judge, Devakottai, to expedite the trial in I.A.No.403 of 2010 in O.S.No.68 of 1994 within a stipulated period as fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran



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ORDER

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This Civil Revision Petition is preferred by the petitioner for early disposal of the interlocutory application in I.A.No.403 of 2010 in O.S.No.68 of 1994 on the file of the Sub Court, Devakottai.

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

3. According to the petitioner, the petitioner is the seventh defendant in O.S.No.68 of 1994 filed by the plaintiff Sathasivam for partition of suit schedule property and in the above suit, a preliminary decree was passed on 27.10.1994 and thereafter, I.A.No.403 of 2010 was filed by the plaintiff Sathasivam for passing a final decree in O.S.No.68 of 1994. It is submitted that an Advocate Commissioner was appointed by the Trial Court to inspect the suit schedule property and file a report. The Advocate Commissioner inspected the suit property and filed his report.

4. It is further submitted that the suit was originally filed in the year 1994 and the same is pending for more than 30 years without reaching its finality,



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due to which, the petitioner/seventh defendant is put to great hardship and the final decree application in I.A.No.403 of 2010 is adjourned by the Trial Court periodically without any valid reasons. Hence, the petitioner/seventh defendant was constrained to file the above Civil Revision Petition for a direction to the Trial Court to dispose of the final decree application in I.A.No.403 of 2010, expeditiously, without any further delay.

5. Considering the facts and circumstances of the case, the learned Sub Judge, Devakottai is directed to dispose of final decree application in I.A.No. 403 of 2010 in O.S.No.68 of 1994, without giving any unnecessary adjournments, by affording sufficient opportunities to the respective parties to put forth their contentions, expeditiously, within a period of 3 months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is disposed of with the above observations. No cost.

19.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To
The Judge,
Sub Court, Devakottai.



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K.GOVINDARAJAN THILAKAVADI, J.

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