



C.R.P(MD)No.1971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

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

C.R.P(MD)No.1971 of 2023

Santhanalakshmi

represented through her power agent

Madhavan

... Revision Petitioner

Vs.

1.S.R.Bashyam

2.Rajesh Ram

3.T.V.Venkatachari

K.K.Krishnaveni (died)

4.Saroja Singha

Indra Kuthruff (died)

Balambal (died)

5.Helmate Kuthruff

6.Ramesh Kuthruff

7.Suresh Kuthruff

(5 to 7 respondents are impleaded as
per order in I.A.No.176 of 2010 dated



C.R.P(MD)No.1971 of 2023

12.03.2010 as the legal heirs of deceased 6th respondent)

K.L.Krishnamoorthy (died after petition)

8.K.K.Premchand

9.K.K.Padmanaban

10.M.Shanthi

11.N.R.Anuja

12.T.V.Ravi

13.T.V.Kennedy

14.T.V.Vincent

15.T.V.Varkeesh

(12 to 15 respondents are impleaded as per order in I.A.No.36 of 2015 dated 28.01.2015 as the legal heirs of 7th respondent)

11th respondent died leaving behind him respondents 8, 9, 10 and 15 as his representatives who are already on record)

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Additional Subordinate Judge, Additional Sub Court, Kumbakonam, to dispose the interim application filed in I.A.No.40 of 2018 in O.S.No.28 of 1994 pending on



C.R.P(MD)No.1971 of 2023

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the file of the Additional Sub Court, Kumbakonam, within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

ORDER

The Civil Revision Petition has been filed to direct Additional Subordinate Judge, Additional Sub Court, Kumbakonam, to dispose the interim application filed in I.A.No.40 of 2018 in O.S.No.28 of 1994 pending on the file of the Additional Sub Court, Kumbakonam, within a time frame that may be fixed by this Court.

2. According to the Revision Petitioner, the above suit in O.S.No.28 of 1994 was filed by the petitioner as plaintiff for declaration of possession of the suit property on depositing the equivalent amount to the value of 4/5th share of the suit property and for passing preliminary decree for 1/2 share of the plaintiff in the suit property. The said suit was dismissed on 03.12.2022, against which the plaintiff preferred an appeal in A.S.No.107 of 2003 and the same was allowed and the suit



C.R.P(MD)No.1971 of 2023

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was remanded to the trial Court for limited purpose to comply the formalities under Section 22(1) and 22(2) of Hindu Succession Act, 1956 within three months. Against which the defendants preferred Second Appeal in S.A.(MD)No.658 of 2016 and the same was dismissed on 30.11.2016. As per the decree passed in A.S.No.107 of 2003 the petitioner filed I.A.No.40 of 2018 in O.S.No.28 of 1994 and the same is still pending without any progress.

3. It is further submitted that the revision petitioner is a senior citizen, who is aged about 74 years old and the petitioner is unable to see the fruits of the decree during her life time. Hence, the petitioner was constrained to file this Civil Revision Petition, since the said Court is not inclined to dispose the matter expeditiously. Hence, the petitioner approached this Court for early disposal of the above I.A.No.40 of 2018 in O.S.No.28 of 1994. Hence, she prays for allowing the Civil Revision Petition.

4. Considering the limited prayer sought for in the Revision, notice to other side is deemed unnecessary.



C.R.P(MD)No.1971 of 2023

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

6. On perusal of records, it is seen that inspite of direction given by the learned II Additional District and Sessions Judge, Thanjavur, in A.S.No.107 of 2003 dated 09.03.2015, to dispose the matter within a period of 3 months, the I.A.No.40 of 2018 in O.S.No.28 of 1994 is pending from 2018. The trial Court has failed to comply the above direction and therefore, the petitioner has approached this Court for speedy disposal of the said application.

7. Considering the facts and circumstances of the case and also considering the age of the petitioner, this Court directs the learned Additional Subordinate Judge, Additional Sub Court, Kumbakonam, to dispose the I.A.No.40 of 2018 in O.S.No.28 of 1994, on merits and in accordance with law, without any unnecessary adjournments, as expeditiously as possible, preferably within a period of two (02) months from the date of receipt of copy of this order.



C.R.P(MD)No.1971 of 2023

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8. With the above direction, this Civil Revision Petition is disposed of. No costs.

08.08.2023

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

RM

To

- 1.The Additional Subordinate Judge,
Additional Sub Court,
Kumbakonam,
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.1971 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

RM

C.R.P(MD)No.1971 of 2023

08.08.2023