



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

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

C.R.P(MD)No.2298 of 2023

1.Kasim Abdul Razak
2.Abdul Malik
3.Najmunisha
4.Sareen

...Petitioners/Petitioners/Plaintiffs

Vs.

Ghose Mohammed(Died)
Subaitha Beevi(Died)
1.Sara Beevi
2.S.M.N.S.M.Abdul Jabbar
3.S.M.N.S.M.Abdul Sukkur
4.S.M.N.S.M.Basheer Ahammed
5.Farook
6.Kalifulla
Rahamathullah(Died)
7.Pathurunisa Begum
8.Abdul Kalam Azath
9.Rajathi Begum
10.Mohammed Noordin @ Rajukanna
11.Sabina Begum
12.Parveen Begum
13.Jasmin Begum

... Respondents/Respondents/
Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Additional District Judge, Pudukottai, to dispose of the final decree application in I.A.No.124 of 2022 in O.S.No.04 of 2012 pending on the file of the Additional District Judge, Pudukottai, within a stipulated period to be fixed by this Court.



For Petitioners

:Mr.M.Thirunavukkarasu

ORDER

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The Civil Revision Petition is filed for a direction to direct the learned Additional District Judge, Pudukottai, to dispose the final decree application in I.A.No.124 of 2022 in O.S.No.04 of 2012 within a stipulated period to be fixed by this Court.

2.Heard the learned counsel appearing for the petitioners and also perused the materials available on record.

3.According to the petitioners/plaintiffs, they filed a suit in O.S.No.04 of 2012 before the Additional District Court, Pudukottai, for the relief of partition and separate possession of 1/5th share in the suit properties. The said suit was decreed, on 30.11.2012. Against which, the first defendant filed an appeal suit in A.S.No.48 of 2013 before this Court. This Court, by order dated 16.10.2021, modified the allotment of shares that the plaintiffs are entitled to 1/5 share, except the properties sold under Ex.A.2. Therefore, the petitioners filed final decree application in I.A.No.124 of 2022 before the Additional District Court, Pudukkottai, for the purpose of division of suit properties as per preliminary decree by appointing Advocate Commissioner. In the said application, notice was ordered to the respondents on 22.08.2022 and thereafter, the said application is being



adjourned from time to time without any progress. Hence, the present civil revision petition is filed.

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4.The learned counsel appearing for the petitioners would submit that during the pendency of the said final decree application, the tenth respondent herein started putting up a construction and hence, the petitioners took out an application in I.A.No.101 of 2023 for injunction against the tenth respondent and the Court below granted status quo, vide order dated 23.06.2023. The learned counsel further submitted that the said application is pending for more than 2 years without appointing Advocate Commissioner to divide the suit properties. The learned Judge is adjourning the matter periodically without any valid reason. Hence, he prays for speedy disposal.

5.Considering the facts and circumstances of the case, this Court directs the learned Additional District Judge, Pudukottai, to dispose the final decree application in I.A.No.124 of 2022 in O.S.No.04 of 2012 on merits and in accordance with law, without giving unnecessary adjournments, after affording opportunity to the respective parties to put-forth their contentions, as expeditiously as possible, within a period of three 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.

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NCC: Yes/No

Index: Yes/No

Internet: Yes/No

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To

1. The Additional District Judge,
Pudukottai.

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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