



WEB COPY

C.R.P(MD)No.2251 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM

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

C.R.P(MD)No.2251 of 2023

C.Devarani

... Petitioner/4th Defendant

Vs.

1.R.Saroja

2.R.Kasthuri

... Respondents 1&2/
Plaintiffs1&2

3.K.John Jeevaraj

4.Eban

5.Sundari

... Respondents 3 to 5/
Defendants 1to 3

Janaki Ammal(Died)

6.Velmurugan

...6th Respondents/
6th Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the I Additional District Sessions Court, Tuticorin, to dispose the suit in O.S.No.34 of 2012 on the file of the I Additional District Sessions Court, Tuticorin, within a period that may be stipulated by this Court.

For Petitioner

:Mr.S.Velrajan



ORDER

This civil revision petition is filed for a direction to direct the learned I Additional District Sessions Judge, Tuticorin, to dispose the suit in O.S.No.34 of 2012 within a period that may be stipulated by this Court.

2. According to the petitioner/4th defendant, the respondents 1 and 2 have filed a suit in O.S.No.34 of 2012 for partition, before the I Additional District Sessions Court, Tuticorin. The said suit was filed in the year 2012 and preliminary decree was passed on 21.12.2017. Against which, first appeal in A.S.No.184 of 2018 has been preferred before this Court and this Court remanded the suit, after setting aside the preliminary decree in O.S.NO.34 of 2012. When the suit has been remanded by this Court, a direction was given to the trial Court to decide the suit within a period of five months from 09.03.2020. Further it is submitted that despite a direction has been issued, the trial Court not yet dispose the suit within the time stipulated by this Court. The Court below, on several occasions adjourned the matter without giving 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 that the suit is pending for more than 11 years and there is no progress in the matter.

It is submitted that the petitioner/fourth defendant is a old lady and have to see the fruits of the decree during her life time and hence, she seeks for speedy disposal of the suit.

5.Considering the facts and circumstances of the case, this Court directs the learned I Additional District Sessions Judge, Tuticorin, to dispose the suit in O.S.No.34 of 2012, 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 four weeks 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.

07.09.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No



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K.GOVINDARAJAN THILAKAVADI, J.

Ns

To

WEB COPY

- 1.The I Additional District Sessions Judge,
Tuticorin.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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