



C.R.P.(MD)No.3299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(PD)(MD)No.3299 of 2023

N.G.Sherfudeen

: Petitioner/1st Respondent/
1st Respondent/Plaintiff

Vs.

Shahil Hameed (died)

1.Nazirudeen

2.Ayisha

3.Mohamed Haseem

4.Amirudeen

5.Shajunissa Begam

6.Rasheetha Begum

: Respondents 1 to 6/ Respondents 1 to 6/
Defendants 2 to 7

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Ist Additional District Judge, Trichy District to dispose of the appeal in A.S.No.7 of 2018 within stipulated time as fixed by this Court.



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For Petitioners : Mr.S.Vinod Sathya Lazar

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ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the appeal in A.S.No.7 of 2018, pending on the file of the learned I Additional District Judge, Tiruchirappalli, within a specified time to be fixed by this Court.

2. The learned counsel for the petitioner would submit that the revision petitioner has filed a suit in O.S.No.885 of 2010 for partition and after full trial, preliminary decree came to be passed on 21.12.2017 and that the first defendant has preferred an appeal and the same is pending in A.S.No.7 of 2018 on the file of the I Additional District Court, Trichy. He would further submit that though the appeal was taken on file in 2018, the same is being adjourned again and again.

3. It is seen from the records that steps for the deceased appellant are pending; that paper publication was ordered for the respondents 4 and 5 and for counter of others and posted to 06.11.2023 and that they have already effected paper publication and the same was produced before the concerned Court.



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4. Considering the above facts and circumstances of the case and taking note of the submission made by the learned counsel for the petitioner and also the fact that the appeal is pending for the past 5 years, the learned appellate Judge is hereby directed to proceed with steps petition and after necessary amendments, to hear the appeal and dispose of the same within a period of four months from the date of receipt of copy of this order.

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

20.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The I Additional District Judge, Trichy.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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