



Crp No.786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Prabha

... Petitioner

Vs.

Maragadham (died)

1. Jayalakshmi
2. P.Babu
3. P.Ramesh
4. Murugan
5. Kannan
6. P.Usha
7. Vasanthamma
8. Vishnu Vjayakumar
9. Suresh
10. Suseela

Kesavan (died)

Jayraman (died)

11. Amutha
12. Santhi @ Sasikala
13. Purushothaman
14. Ramanujam
15. Selvam
16. Jagadeesan
15. Sasikala
18. Kannan
19. Raja
20. Rajendran



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21. Manickam

22. Santhi

23. Minor Roopasri

rep. by her next friend and mother Santhi.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned Subordinate Judge, Uthangarai to dispose of the I.A.No.216/2014 in O.S.No.37/2016 (Old O.S.No.154/2010 before the Principal Subordinate Judge, Krishnagiri), within a time frame, as fixed by this Court.

For Petitioner : Mr. A.Velmurugan

ORDER

This Civil Revision Petition has been filed to direct the learned Subordinate Judge, Uthangarai to dispose of the I.A.No.216/2014 in O.S.No.37/2016 (Old O.S.No.154/2010 before the Principal Subordinate Judge, Krishnagiri),

2. The petitioner herein is the 5th defendant in the above said suit. One Saradha (deceased) and the respondents 1 to 9 herein had filed the above said suit for partition of the suit property and it was decreed in favour of the plaintiffs, vide judgment dated 26.08.2011. Subsequently, the petitioners herein have filed I.A.Nos.215 and 216 of 2014 in O.S.No.154/2010 seeking to appoint advocate commissioner and also to pass



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final decree. Subsequent to the filing of the above petitions, the said suit was transferred to the file Subordinate Court, Uthangarai in the year 2016 and the said petitions were pending for adjudication. According to the petitioners, after passing judgment and preliminary decree, one of the parties/defendants namely Vijaya w/o S.R.Nagarajan had executed a Will dated, 04.02.2018 in favour of her brother T.K.Jayaraman and T.K.Purushothaman and based on the same, they had sold the properties to the third parties and creating encumbrances continuously, since the suit is pending for long time. Hence this civil revision petition.

3. At this juncture, it is worthwhile to note that the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra*** has dismissed the writ petition, by observing as follows.

“ We are of the view that since every High Court and every Court in the country has a huge pendency, the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case, before any court, unless the situation is extra ordinary.”

4. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the cases in the above Court is 566.



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5. It is informed before this Court that the Advocate Commissioner had filed his report and only order has to be passed in the above petition in I.A.No.216/2014.

6.Considering the pendency of the cases and also taking note of the fact that originally the above suit was filed in the year 2010 and now it has been transferred and pending before the Subordinate Judge, Uthangarai from the year 2016 for passing orders in I.A.No.216/2014, the learned Subordinate Judge, Uthangarai, is directed to dispose of the I.A.No.216/2014 in O.S.No.37/2016 *within a period of two months from the date of receipt of a copy of this order.*

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

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Index:Yes/No
Internet:Yes/No
mst

To

The Subordinate Judge, Uthangarai.



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V.SIVAGNANAM, J.

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