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C.R.P.No.1811 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1811 of 2024

1.Chandrappa
2.Rajendran
3.Jayapal
4.Radha

... Petitioners

Vs.

Muniyappa (Died)
1.Nanjudappa
2.Ramachandran
3.Gopalakrishnan
4.Krishnappa
5.Jayaraman
6.Venkatesh
7.Seenappa

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Sub Court, Hosur, Krishnagiri District to dispose of O.S.No.80 of 2017 within a stipulated time.

For Petitioners : Mr.C.Prakasam

For R1 to R3 : Mr.V.P.K.Gowtham



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C.R.P.No.1811 of 2017

ORDER

This Civil Revision Petition is filed by the petitioners to direct the Sub Court, Hosur, Krishnagiri District to dispose of O.S.No.80 of 2017 within a stipulated time.

2.The petitioners/plaintiffs filed a suit in O.S.No.80 of 2017 against the respondents seeking partition of the property into five equal parts allotting four parts to the plaintiffs and one part to the respondents and also to appoint an Advocate Commissioner to pass the final decree and to set aside the judgment in O.S.No.408 of 1988 dated 28.09.1988 and the judgment in O.S.No.127 of 1993 dated 14.09.1994.

3.The contention of the learned counsel for the petitioners is that the suit has been filed as early as 13.03.2017, summons were issued to the defendants and thereafter, the suit was posted for filing written statement. In the meanwhile, some of the defendants died, the same was recorded, APC and amendments ordered to be carried out with an endorsement 'No further adjournments'. Thereafter, time was sought for filing additional written



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statement which was also allowed and since there was closure of Courts during Covid-19 Pandemic situation, some delay occurred. Again when the normal functioning of the Court resumed, the case was listed but for some reason or other, the case was adjourned. The Trial Court finding that the respondents had been delaying in receipt of summons and responding to the same, ordered paper publication. Paper publication also effected and now summons completed with regard to all the respondents except 6th respondent who is also very much available in the Village but evading summons. He further submitted that the case is now posted on 24.07.2024 and prays for speedy disposal of the case.

4.The learned counsel for the respondents 1 to 3 submits that he is the contesting counsel before the Lower Court. From the adjudication produced by the petitioners itself, it is seen that the petitioners were not taking immediate steps in payment of batta or carrying out amendments and also effecting publication. On several hearing dates, the case was adjourned for non-representation on behalf of the petitioners/plaintiffs. This being so, the petitioners now blaming others for the delay and seeking early disposal cannot be entertained.



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5.Considering the submissions made and on perusal of the materials, no doubt the suit is kept pending from the year 2017. Now the suit is pending for issuance of summons on 6th defendant and thereafter only issues can be framed. In view of the same, the Trial Court is directed to give priority and post the case on day-to-day basis without giving long adjournments and ensure the issues are framed, trial to be completed within a stipulated period, preferably within a period of six months from the date of receipt of a copy of this order.

6.With the above directions, the Civil Revision Petition stands disposed of. No costs.

09.07.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The Sub Judge,
Hosur,
Krishnagiri District



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M.NIRMAL KUMAR, J.

cse

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