



C.R.P.No.2251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2251 of 2024

1.Palanathal
2.Andathal
3.Bakkiyammal
4.Parvathi
Valliammal [Died]

... Petitioners

Vs.

1.Kandasamy Gounder
2.Rangasamy Gounder
3.Ramathal

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Fast Track No.II and Additional District Judge of Coimbatore to dispose of the case in I.A.No.529 of 2011 in O.S.No.9 of 2009 on its file expeditiously within a stipulated time as fixed by this Court preferably within 3 months or within reasonable time.

For Petitioner : Mr.S.Saravanan



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ORDER

The petitioner/plaintiff filed a suit in O.S.No.9 of 2009 on the file of the Fast Track No.II and Additional District Court, Coimbatore for partition in which preliminary decree was passed on 14.06.2011. Thereafter, I.A.No.529 of 2011 was filed for appointment of Advocate Commissioner which was allowed by the Lower Court and the Advocate Commissioner filed a report on 01.04.2013. In the meanwhile, the respondents 1 and 2 who are defendants 1 ad 2 in the suit filed an appeal in A.S.No.460 of 2011 against the judgment and decree in O.S.No.9 of 2009. A.S.No.460 of 2011 was partly allowed on 22.01.2020 with regard to Schedule 'B' property wherein the petitioners were entitled to reside in the property. The present petition is filed seeking to dispose of I.A.No.529 of 2011 and consequently to pass a final decree in the suit.

2.Since the prayer sought for by the petitioner is to the limited extent, notice to the respondents is dispensed with.

3.The learned counsel for the petitioner submitted that the suit is kept



pending from the year 2009 and preliminary decree was passed in the year 2011. At that time for the purpose of apportionment of property, appointment of Advocate Commissioner was necessary and the interim application was allowed. In the meanwhile, since the respondents 1 and 2 preferred an appeal, there was no much progress and finally, appeal was dismissed. The learned Advocate Commissioner filed his report identifying the pathway for the land and measured the property with the help of Taluk Surveyor and filed a report. Thereafter, the case was adjourned to 23.03.2022 and it has been periodically adjourned for one reason or other. He would further submit that the respondents herein are not permitting the petitioner to enjoy the property, creating obstacles and further, now the respondents are representing that against the order passed in A.S.No.460 of 2011, appeal is pending before the Apex Court but no details produced. But the Trial Court without calling for any details recorded that SLP is pending and the case was adjourned to 15.04.2024.

4.Considering the submissions made and finding that the suit is originally filed in the year 2009 and almost 15 years passed by, this Court is incline to direct the Trial Court to dispose of I.A.No.529 of 2011 within a



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period of two weeks from the date of receipt of a copy of this order and to pass a final decree in O.S.No.9 of 2009 within a period of three months thereafter.

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

28.06.2024

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

To

The IV Additional District Judge,
Fast Track No.II,
Coimbatore.



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M.NIRMAL KUMAR, J.

cse

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