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C.R.P.No.2474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2474 of 2024

Padmavathi

... Petitioner

Vs.

1.Chinnasamy

2.Radhika

3.Vijayalakshmi

4.Ganga Devi

5.Kannusamy

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Additional District Court, Dharapuram, for speedy disposal of I.A.No.01/2023 and the main suit in O.S.No.10 of 2017.

For Petitioner : Mr.T.K.Saravanan

ORDER

This Civil Revision Petition has been filed seeking a direction to the Additional District Court, Dharapuram, to dispose of I.A.No.01/2023 and the main suit in O.S.No.10 of 2017 within the stipulated time.



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2.The petitioner/plaintiff filed a suit for partition in O.S.No.10 of 2017 against her brother and his daughters, who are respondents 1 to 4 herein. Initially the suit was filed including one Kannusamy/5th respondent herein, who is the subsequent purchaser of the property, but later he was given up.

3.The contention of the learned counsel for petitioner is that the petitioner is a senior citizen aged about 73 years, who is a cancer patient taking regular treatment. The petitioner being a lady, initially filed the suit seeking 1/3rd share of the suit properties. Subsequently, the Hon'ble Apex Court passed a judgment in the case of *Vineeta Sharma vs. Rakesh Sharma and others* reported in (2020) 9 SCC 1, wherein it is held that the daughters are entitled to equal share as that of sons. Hence, the petitioner filed amendment petition on 24.08.2023 seeking half share in the suit properties, in which, the respondents filed their counter, arguments heard. But in the



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e-Court online status report it was recorded from 24.08.2023 till 24.04.2024

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(18 hearings) as I.A. pending.

4.The further contention of the learned counsel is that suit is of the year 2017, written statement filed by the respondent as early as on 10.02.2017. After 30 hearings the case was referred to Lok Adalt on 12.12.2019, 14.12.2019 and 16.12.2019. On 18.12.2019, again it was recorded as though I.A. is pending and posted for framing of issues and issues were framed on 05.01.2021. Thereafter, the case was posted for trial on 25.01.2021. In the meanwhile, the suit was dismissed for default on 02.02.2021 and it was restored on 08.06.2023. Thereafter again it was posted for trial on 22.06.2023, 13.07.2023 and 24.08.2023. On 24.08.2023 amendment petition filed in I.A.No.1 of 2023. From that date onwards the case is kept pending referring the said I.A., despite arguments completed.



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5.He further submitted that from e-Court proceedings it is seen that

on 18.12.2019 and 06.01.2020, it was recorded as though I.A. is pending.

From the case records it is seen that I.A.Nos.1 and 2 of 2022 were filed in the

year 2022 and the same were disposed on 27.04.2023 and 08.06.2023. No

I.A. was filed in the year 2019. The limited relief sought by the petitioner is

that the proceedings in O.S.No.10 of 2017 to be completed within a stipulated

period, since it is posted for trial and the petitioner is the only witness to be

examined and documents to be marked .

6.Since it is only a limited prayer seeking direction to dispose of

I.A.No.1 of 2023 and main suit in O.S.No.10 of 2017 within the stipulated

period, notice to the respondents not required. Hence, notice to the

respondents dispensed with.

7.Considering the submissions made and on perusal of the material,

it is seen that the petitioner is a Cancer patient. At least substantial justice



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could be given to her before she departs because of her old age and health condition. The petitioner's contentions are not in dispute as could be seen from the typed set of papers, plaint copy, written statement, medical certificate, amendment petition in I.A.No.1 of 2023 and the e-Court adjudication.

8.In view of the above factual position, this Court directs the trial Court (Additional District Court, Dharapuram) to dispose of I.A.No.1 of 2023 and main suit in O.S.No.10 of 2017, within a period of four months from the date of receipt of a copy of this order.

9.With the above directions, the Civil Revision Petition is disposed of. No costs.

10.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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M.NIRMAL KUMAR, J.

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To

The Additional District Judge,
Dharapuram.

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10.07.2024