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C.R.P.No.2377 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2377 of 2024

1.G.Muniyammal

2.G.Prabhu

... Petitioners

Vs.

1.M.Sumathi

2.R.Mahalakshmi

3.Venda

4.S.Hemavathy

5.P.Senthil Kumar

6.C.Venkatesan

7.P.Venkatesh

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Lower Court to dispose of O.S.No.192 of 2023 on the file of Subordinate Court, Katpadi at an early date, upon hearing the available parties to the suit.

For Petitioner : Mr.E.Hariharan



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ORDER

This revision petition has been filed seeking a direction to the Subordinate Court, Katpadi to dispose of O.S.No.192 of 2023 at an early date, upon hearing the available parties to the suit.

2.The petitioners filed a suit in O.S.No.192 of 2023 seeking for cancellation, declaration, partition and permanent injunction against the respondents.

3.The contention of the learned counsel for petitioners is that on 15.03.2024, the case was posted for framing of issues and thereafter, it was adjourned from 18.04.2024 to 18.06.2024 and now the case was adjourned to 18.09.2024. When the case was ready for framing of issues, giving such long adjournments affects the petitioner's right, hence, the present revision has been filed seeking for earlier disposal of the suit in O.S.No.192 of 2023.



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4.The prayer in the suit is to cancel the alleged partition deed dated 19.10.2022 registered as Doc. No.10463 of 2022 as null and void and this partition deed was obtained by misrepresentation and coercion, to declare the alleged sale deed dated 20.10.2022 registered as Doc.No.10495 of 2022 executed by the second respondent in favour of the 6th and 7th respondents as null and void, to declare the alleged sale deed dated 21.10.2022 registered as Doc.No.10514 of 2022 executed by the respondents 1 and 2 in favour of the 5th respondent as null and void, to divide the suit schedule mentioned properties into 6 equal shares and allot 2/6th shares to the petitioners and put them in separate possession, to appoint an Advocate Commissioner for making an amicable and feasible partition without detriment to any of the shares by metes and bounds and for permanent injunction restraining the respondents from in any manner alienate or create encumbrance of the suit properties based on alleged documents dated 19.10.2022, 20.10.2022 and 21.10.2022.



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5.The contention of the learned counsel for petitioners is that respondents 1 and 2 not participated in the trial. Even in the first hearing they have not appeared, hence, they set ex-parte on 15.07.2023. Respondents 5 to 7 though appeared, failed to file the written statement and they were set ex-parte on 15.03.2024. As regards respondents 3 and 4, they filed their written statement. Now the case is pending at the stage of framing of issues from 15.03.2024 to till date.

6.Since it is only a limited prayer seeking direction to dispose of the suit within the stipulated period, notice to the respondents not required. Hence, notice to the respondents dispensed with.

7.The contention of the petitioner that granting long adjournments, i.e., from 18.06.2024 to 18.09.2024 would cause delay in rendering justice to the petitioners, is reasonable. In view of the same, the trial Court (Subordinate Court, Katpadi) is directed not to give long adjournments



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henceforth, frame issues and complete the trial within a period of six months from the date of receipt of a copy of this order.

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

25.06.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The Subordinate Judge,
Katpadi.



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M.NIRMAL KUMAR, J.

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