



C.R.P.(PD).No.2570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.(PD).No.2570 of 2024

1. Semalaiyappa Gounder
2. Selvaraj
3. Loganathan

.. Petitioners

Versus

1. Muthusamy
2. Muthammal
3. Lingasamy
4. Gopalsamy
5. Balasubramaniam
6. Vanchiyappan
7. Senthilkumar
8. Kannan

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Trial Court to dispose the suit in O.S.No.175 of 2020 pending on the file of the Additional District and Sessions Court, Udumalpet, Tiruppur District within the time fixed by this Court.

For Petitioners : Mr.S.Lakshmanasamy



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ORDER

The petitioners, who are the plaintiffs in O.S.No.175 of 2020 on the file of the IV Additional District and Sessions Court, Udumalpet, Tiruppur district, have filed this petition seeking to dispose of the suit within the time fixed by this Court.

2. The learned Counsel for the petitioners submits that the petitioners have filed a partition suit before the Principal District Court, Tiruppur in O.S.No.175 and 2020 and thereafter, it was transferred to III Additional District Court, Dharapuram. The suit pleadings were completed on 08.07.2022 and again transferred to IV Additional District Court, Udumalpet, but, till date, the suit is pending without any progress. He further submits that on 27.07.2022, the case was posted for issues and later, it was periodically adjourned and finally on 24.11.2023, issues were framed and for filing list of documents and for outside Court settlement, the case was posted to 15.12.2023. Later, the case was posted and got adjourned due to Presiding Officer's Earned Leave and Medical Leave. Finally, on 01.03.2024, it was recorded that settlement not effected. Hence, the case



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was posted for trial on 06.06.2024 and thereafter, to 01.07.2024 and it is now posted on 05.08.2024 at the stage of trial.

3. The suit is for partition and the trial is yet to commence and it is ripe for trial and after the trial, it will take some time for the judgment to be delivered and since it will only be a preliminary decree, final decree to be obtained and thereafter only, the petitioners can conceive the right of the partition and also enjoy the inherited property. The petitioners are aged persons and they apprehend that within their life time, they can see the property which they inherited. Since it is only a limited prayer for speedy disposal, notice to the respondents, dispensed with.

4. After perusal of the material and also the e-Court proceedings, it is seen that the case is now posted on 05.08.2024. In view of the same, the suit is directed to be tried and disposed of within a period of six months from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs.



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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

Note : Issue order copy on 23.07.2024.

To

The IV Additional District and Sessions Judge,
Udumalpet, Tiruppur.



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M.NIRMAL KUMAR, J.

grs

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