



WEB COPY



CRP No.3638 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM:

THE HONOURABLE Mr. JUSTICE V. LAKSHMI NARAYANAN

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1.Mrs.Sundari Subramaniam
2.Mrs.C.Geethanjali
3.Mrs.K.Malliga

... Petitioners

Vs

1.T.Sivasubramanian
2.T.Ekambaram

.... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to expedite the trial in I.A.No.3 of 2024 in O.S.No.4362 of 2010 pending on the file of 3rd Assistant City Civil Court, Chennai and dispose it of expeditiously.

For Petitioners : Mr.D.Ferdinand

For Respondents : Mr.S.Manoj
For Ms.Arjinshia

ORDER

This Civil Revision Petition seeks for expeditious disposal of I.A.No.3



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of 2024 in O.S.No.4362 of 2010 on the file of III Assistant City Civil Court,
Chennai.

2. O.S.No.4362 of 2010 is a suit for partition and separate possession and other reliefs. A joint trial was conducted in this suit along with O.S.No.6321 of 2019 by III Assistant City Civil Court, Chennai. O.S.No.4362 of 2010 was decreed on 21.07.2023. Learned counsel for the respondents is not in a position to state whether the said decree has been appealed against.

3. The plaintiffs took out two applications in I.A.Nos. 3 of 2024 and 4 of 2024, seeking for passing off a final decree and also for appointment of an Advocate Commissioner. Both the applications are said to be pending. As the parties had been initiated proceedings nearly 14 years ago, they have moved this revision for expeditious disposal of these applications.

4. When the matter came up for admission, I referred the matter to Mediation considering the relationship between the parties. Subsequently, counsels reported mediation efforts failed and therefore, they are before me.



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5. I called for Report from the learned III Assistant City Civil Judge, Chennai as to how long the learned Judge would require to dispose of the applications.

6. A report dated 07.11.2024 has been received stating that the matter is now pending for filing counter by the respondents.

7. Taking into consideration the fact that the suit has been pending before the Court for over 14 years and since there is no order keeping the decree in abeyance, I am inclined to direct the III Assistant City Civil Judge, Chennai to dispose of both the applications.

8. Accordingly, the learned III Assistant City Civil Judge, Chennai is directed to dispose of I.A.No.3 of 2024 and 4 of 2024 on or before 30.04.2025. The Civil Revision Petition is ordered accordingly.

11.11.2024

Index:Yes/No
Speaking order/Non-speaking order
sr



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V.LAKSHMINARAYANAN,J.,

sr

To

The III Assistant City Civil Court, Chennai

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