



C.R.P.No.2429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.2429 of 2024
and CMP.No.10138 of 2024

Mrs.Neelorbalam (since deceased)

1.S.Illangovan
2.S.Baskaran (mentally disability person)
Rep by his next friend S.Illangovan
3.S.Saravanan

... Petitioners

Vs

1.D.Jeyalakshmi
2.A.Rani
3.J.Prema
4.J.Neela
5.J.Seenivasan

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Principal District Munsif Court, Karaikal, to dispose of the above suit in O.S.No.452 of 2016 within a time frame as may be fixed by this Court.

For Petitioners : Mr.R.Kamaraj



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ORDER

The civil revision petitioners seek for expeditious disposal of the suit in O.S.No.452 of 2016 on the file of the learned Principal District Munsif at Karaikal.

2. The suit was originally presented by one Mrs.Neelorbalam. She had filed the suit not only on her behalf but also on behalf of her sons, namely plaintiffs 2 to 4, of whom the 3rd plaintiff was a mentally challenged person. The suit was jointly filed seeking for a preliminary decree of partition of 1/3rd of the property which belonged to one deceased Kannammal. As the suit has been languishing in the stage of interlocutory application, the unfortunate plaintiffs are before me for a direction of early disposal of the suit. Pending the litigation, the first plaintiff had passed away.

3. Mr.R.Kamaraj, learned counsel for the petitioners would submit that despite the lapse of eight years, even the written statement has not been presented by the defendants. In addition, he added that challenging the



valuation of the suit, an application was filed by the defendants in I.A.No.26 of 2017, and the said application has been kept pending for the past seven years. He would state that the plaintiffs' are at wits end and therefore, moved this revision for speedy disposal of the suit.

4. Here is a case of simple suit for partition which unfortunately has not even seen the stage of trial. A perusal of e-courts status shows that an application in I.A.No.26 of 2017 has been kept pending for more than seven years. If it is an application challenging the Court fee, then the Court should immediately decide the application and thereafter take the suit for disposal. Though the suit has been kept pending for eight years and the first plaintiff had died, still it is languishing at the stage as it was presented nearly a decade ago.

5. The revision petitioners require a direction from the Court for speedy disposal of the suit. If I were to direct the Court below to dispose of the suit immediately, it will put the defendants into prejudice. They would certainly want to prosecute the application in I.A.No.26 of 2017. Therefore, I am inclined to direct the learned Principal District Munsif, Karaikal to



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dispose of the I.A.No.26 of 2017 within a period of four weeks from the date of receipt of a copy of this order and communicate compliance of the said order to this Court.

6. Depending upon the nature of the order passed in the said application, and in case the learned Principal District Munsif, Karaikal comes to the conclusion that I.A.No.26 of 2017 deserves an order of dismissal and dismisses it, then the learned Principal District Munsif shall thereafter take up the suit upon strictly adhering to the directions given in the Administrative side of this Court as regarding the suits pending for more than eight years and ensure that the suit sees the light of trial at the earliest.

7. With the above direction, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

Index:Yes/No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
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To:

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- 1.The Principal District Munsif
Karaikal.
- 2.The Section Officer,
VR Section, High Court, Chennai.



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V.LAKSHMINARAYANAN,J.

ds

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