



C.R.P.(MD)No.1899 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Dated : 12.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.R.P.(MD)No.1899 of 2024

and

C.M.P.(MD)No.10751 of 2024

K.Sandhanu

...Petitioner/8<sup>th</sup> Respondent/4<sup>th</sup> Defendant

Vs.

1.E.Singama Reddiar

E.Dhanikodi Reddiar (Died)

2.Akila

3.V.Radhi

4.K.Reka

... Respondents 1 to 4/Respondents 1-5/  
Plaintiffs 1-5

E.Ramachandran (Died)

5.E.Murali

6.D.Manchu

7.D.Kasthuri

8.Vasavi

... Respondents 5 to 8/Respondents 6, 7, 9-11/  
Defendants 2, 3, 5 – 7

9.E.Kannan

... 9<sup>th</sup> Respondent/Petitioner/1<sup>st</sup> Defendant

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned VIth Additional District Court, Madurai to dispose



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of the I.A.No.394 of 2022 in O.S.No.153 of 2018 expeditiously at the earliest within a time frame fixed by this Court.

For Petitioner : Mrs.N.Krishnaveni, Senior Counsel,  
For Mr.S.Vasanth Yugesh.

\* \* \*

### **ORDER**

The fourth defendant in O.S.No.153 of 2018 on the file of the VI Additional District Court, Madurai is the revision petitioner. The suit was filed for the relief of partition, allotment of half share of the suit property in favour of the plaintiffs and separate possession. During the pendency of the suit, the second plaintiff passed away and his legal heirs have come on record. The revision petitioner's father (E.Kannan) was the first defendant in the suit. He is also no more. The grievance of the defendants is that the first plaintiff is trying to sell the property which was why I.A.No.394 of 2022 came to be filed seeking injunction to restrain the respondents in the I.A. from alienating / encumbering the suit property. The petitioner's father / E.Kannan was then alive. He also filed I.A.No.395 of 2022 for transposing himself as plaintiff. The injunction application as well as the transpose applications were not numbered. That led to the filing of C.R.P.(MD)No.1777 of 2022. Pursuant to the direction given by



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this Court, the injunction application as well as the transpose applications came to be numbered.

2.In C.R.P.(MD)No.571 of 2023, a direction was given to the in-charge trial Judge for disposing of I.A.No.394 of 2022 on or before 30.04.2023. At the instance of the trial Court, the time limit was further extended.

3.In the meanwhile, the second defendant who was shown as the sixth respondent in I.A.No.394 of 2022 passed away and he was survived by three legal heirs (wife and two daughters). One of the daughters namely the 14<sup>th</sup> respondent was served and she was set *exparte*. The wife and the other daughter are said to be evading service. The petitioner filed I.A.No.2 of 2024 in I.A.No.1 of 2023 in I.A.No.394 of 2022 for effecting substituted service. The learned senior counsel for the petitioner states that this I.A. is being adjourned from time to time for counter.

4.It is stated that there is no regular judge for the VI Additional District Court and the Special Judge for CBI Cases, Madurai is holding additional charge. The learned Judge who is holding additional charge is directed to dispose of I.A.No.2 of 2024 by the next hearing date ie., 22.08.2024. I.A.No.1



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of 2023 will be disposed of on the hearing date next to 22.08.2024. Once the legal heirs are brought on record, I.A.No.394 of 2022 itself will be disposed of within a period of two months thereafter. I make it clear that I will not extend the time limit.

5.I am clearly of the view that even if the suit property is sold or alienated by the respondents in I.A.No.394 of 2022, the petitioner herein need not have any cause for worry. This is because any subsequent purchaser who purchases during the pendency of the partition suit cannot straightaway attempt to enter possession or disturb the physical possession of the other co-owners. The subsequent purchaser / purchasers will have to get impleaded and necessarily wait till final decree is passed. If the subsequent purchaser makes any such illegal or unlawful attempt, the petitioner herein is very much at liberty to seek police protection and the jurisdictional police are directed to extend their assistance.

6.The civil revision petition is disposed of with the aforesaid direction and observation. No costs. Consequently, connected miscellaneous petition is closed.

**12.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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***Issue order copy on 19.08.2024.***



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**To:**

The VI Additional District Court,  
Madurai.



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**G.R.SWAMINATHAN, J.**

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