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C.R.P.(MD)No.2160 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2160 of 2024

K.Palanichamy Gounder

... Petitioner/ Petitioner/
Plaintiff

Vs.

1. Kandasamy Gounder

Chinnappa Gounder(Died)

2. P.Rajendran

P.Kaliappan(Died)

3. P.Kandhasamy

4. C.Kaliappan

5. C.Dhandapani

Muthammal(died)

6. K.P.Dhandapani

7. Nachammal

8. Chinnasamy



WEB COPY 9. Ponnathal

10. Kalieeswari

11. M.K.Karthikaivel

12. M.K.Selvan

13. M.K.Vellathai

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to expedite the trial in I.A.No.772 of 2023 in O.S.No.15 of 1997 on the file of the District Munsif Court, Oddanchatram within a stipulated period as fixed by this Court.

For Petitioner : M/s.V.Muthumani

ORDER

Heard the learned counsel appearing for the revision petitioner.

2. Issuance of notice to the respondents is dispensed with.

3. The petitioner filed O.S.No.15 of 1997 on the file of the District Munsif Court, Oddanchatram. Two prayers were sought. One prayer was for passing the preliminary decree declaring the plaintiff's share in items 1 and 3 of the suit schedule property. The other prayer was for directing the defendants to vacate the suit second item. The decree was passed on



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22.03.2007. The preliminary decree was granted as prayed for in respect of items 1 and 3 of the suit schedule. As regards the second item, delivery of possession was ordered.

4. In respect of the prayer for delivery of possession, the petitioner filed E.P.No.7 of 2023.

5. Since the preliminary decree for partition had been granted, the petitioner filed I.A.No.772 of 2023 for passing the final decree. The petitioner is aged about 75 years. The suit was instituted way back in the year 1997. The preliminary decree was passed on 22.03.2007. The delay in filing I.A. is because the parties were locked in litigation right up to the Hon'ble Supreme Court. Considering the overall facts and circumstances, the Court below is directed to dispose of I.A.No.772 of 2023 on merits and in accordance with law within a period of nine months from the date of receipt of a copy of this order. This civil revision petition stands disposed of. No costs.

11.09.2024

Index : yes/No
Internet: Yes/No
PMU



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G.R.SWAMINATHAN,J.

PMU

To

The District Munsif,
Oddanchatram.

C.R.P.(MD)No.2160 of 2024

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