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C.R.P.(PD).No. 556 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 556 of 2025

1.Dhanalakshmi

2.Banumathi

3.Panneer Selvi

4.Parimala

...Petitioners

Vs.

1.Jayaraman

2.Lakshmanan

3.Rajam

4.Jayalakshmi

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Sub Judge, Neyveli to dispose the IA No.136 of 2012 in OS No.45 of 2008.



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For Petitioner : Mr. K.C.Karl Marx

ORDER

This Civil Revision Petition is filed seeking an early disposal of IA.No.136 of 2012, which is an application filed for passing of final decree.

2. This is a rather unfortunate case where the petitioners who have got a decree as early as on 26.03.2010 and who have filed a final decree proceedings in the year 2012 are yet to get the properties partitioned thereby favouring the respondents who are squatting on the property which belongs to all.

3. The B Diary extracts would show that the final decree proceedings have been filed on 30.01.2012. The Advocate Commissioner was appointed as late as on 23.03.2021. The learned Advocate Commissioner has also submitted his report on 11.02.2022. The matter was kept pending for objections from 11.02.2022 onwards.



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4. Thereafter, for the reasons best known to the learned Sub Judge, without passing orders on the basis of the report already submitted, the learned Judge by order dated 13.09.2024 eschewed the earlier report. The reason being that the learned Advocate Commissioner has not divided the properties into 3 equal shares and only one sketch has been filed.

5. This Court is at loss to understand as to why the entire report had to be eschewed.

6. Be that as it may, the learned counsel appearing for the petitioners would submit that they are yet to receive notice from the Advocate Commissioner for the visit. It is informed that the matter is posted on 03.03.2025, for the Advocate Commissioner's report.



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7. Therefore, directions are issued that the learned Sub Judge, Neyveli, shall dispose of IA.No.136 of 2012 in OS.No.45 of 2008, within a period of one month from 03.03.2025.

8. The Civil Revision Petition is allowed. No costs.

25.02.2025

Index : Yes/No
Internet : Yes/No

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The Sub Judge,
Neyveli.

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P.T. ASHA, J.



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