



C.R.P.No.900 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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A.Subburayan

... Petitioner

Vs

1. Sivakumar
2. Vijayakumar
3. Saraswathy
4. Kalaiselvi
5. Anbuselvi
6. Kolanchi
7. Ranganathan
Rajendran (died)
8. Minor Saravanan
Rep by its next friend S/o. Kolanchi
9. Palani Ammal
10. Sivagami
11. Parvathy
12. Radha

... Respondents

PRAAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to dispose of the said interim application bearing IA SR No. 2909 of 2024 filed on 06.03.2024 in O.S. No. 135 of 2001 on the file of Addl. Sub Court, Vridhachalam within a fixed time determined by this Court and to expedite the same.



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For Petitioner : Mr.T.Nithya

ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the Additional Sub Court, Vridhachalam, to dispose of I.A.SR.No.2909 of 2024 in O.S.No.135 of 2001 as early as possible.

2. The submissions of the learned counsel appearing for the petitioner are as follows :-

2.1. The petitioner/plaintiff, who is a senior citizen, had filed a suit seeking for partition in O.S.No.135 of 2001 before the Additional Sub Court, Vridhachalam, against the respondents/defendants.

2.2. The said suit was dismissed on 23.04.2009. Against which, the petitioner had preferred an appeal in A.S.No.17 of 2019 before the Additional District and Sessions Court No.3, Vridhachalam. After hearing both sides, the lower appellate Court had set aside the order passed by in O.S.No.135 of 2001 stating that *“10 to 12 defendants are necessary parties in the said suit and hence*



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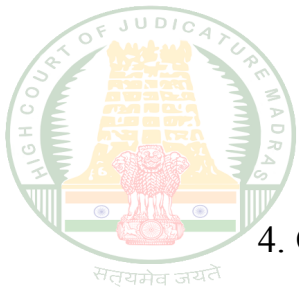
they have to be included and after hearing them and further order to be passed,

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2.3. Thereafter, after hearing all the necessary parties in the suit, the Additional Sub Court, Vridhachalam, has passed a preliminary decree in O.S.No.135 of 2021 on 19.03.2021 in favour of the petitioner that he is entitled 1/5th share in the suit property.

2.4. After the preliminary decree passed in the above suit, the petitioner had filed an application on 06.03.2024 in I.A.SR.No.2909 of 2024 seeking to appoint an Advocate Commissioner to measure and fix boundaries of the 1/5th share of the suit property, whereas, the trial court has neither numbered the petition nor returned the petition. Thereby, the present Civil Revision Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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4. On perusal of records, it is seen that the application in I.A.SR.No.2909 of 2024 in O.S.No.135 of 2021 filed by the petitioner/plaintiff is pending on the file of the Additional Sub Court, Vridhachalam, from 06.03.2024 and it has neither been numbered nor returned by the trial court.

5. In view of the above, this Civil Revision Petition stands disposed of with a direction to the learned Additional Sub Judge, Vridhachalam, to dispose of I.A.SR.No.2909 of 2024 in O.S.No.135 of 2021 in accordance with law, preferably, within a period of **four months** from the date of receipt of a copy of this order. No costs.

06.03.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1. The Additional Sub Court, Vridhachalam.
2. The Section Officer,
VR Section, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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