



WEB COPY

CRP No. 76 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 76 of 2026

1. Paramasivam, S/o. Arunachala Devar,
No.9/5, 1st Avenue, Sundar Nagar,
Ekkatuthangal.
2. P.Ramalakshmi, W/o.Paramasivam,
Rest.at 9/5, 1st Avenue,
Sundar Nagar, Ekkattuthangal.

..Petitioner(s)

Vs

1. P.Marimuthu, S/o. Pool Thevar,
No.54, 2nd Avenue, Defence Officers Colony,
Ekkattuthangal, Chennai-600 097.
2. M.Mariammal, W/o.P.Marimuthu,
No.54, 2nd Avenue, Defence Officers Colony,
Ekkattuthangal, Chennai-600 097.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to issue appropriate direction for expeditious disposal of the final decree application numbered as IA No.438 of 2018 in OS.No.33 of 2008 pending on the file of the Additional District Judge, Chengalpet by allowing the present CRP.

For Petitioner(s): Mr. S.Sai Shankar

ORDER

This Civil Revision Petition is filed seeking a direction to the Trial Court to dispose of the final decree application filed by the petitioners in I.A.No.438 of 2018 in O.S.No33 of 2008 pending on the file of Additional District Judge, Chengalpattu in expeditious manner.

2. It is not in dispute that the petitioners herein/plaintiffs filed the above said suit in O.S.No.33 of 2008 seeking partition and in that suit, preliminary decree for partition of petitioners' half share was passed on 16.02.2018. Pursuant to the said preliminary decree, the petitioners filed I.A.No.438 of 2018 seeking to pass final decree.

3. It seen from the e-courts status filed in the typed set of papers that Advocate Commissioner, appointed by court, had filed his report on 22.01.2024 expressing difficulty in executing warrant. Subsequently, the final decree proceedings were adjourned from time to time for the purpose of filing objections by the respondents. When the matter was adjourned for enquiry in



the final decree application, the respondents appeared to have represented before the Trial Court on 24.02.2025, regarding SLP to be filed by them, challenging the judgment and decree passed in the first appeal. Based on the memo filed by the respondents, it appears that the matter has been adjourned for more than ten months. The e-courts status dated 21.01.2026 reads as follows:

“ I.A.No.438 of 2018 : Production of SLP particulars and stay particulars - call on 16.02.2026.”

Therefore, it is clear that the respondents have been taken time before the Trial Court under the guise of filing SLP and till date, it appears that the respondents have not produced any stay order passed by the Apex Court. If there is no stay order passed by the superior courts, there may not be any impediment for the Trial Court to proceed with the enquiry in the final decree proceedings. The suit was of the year 2008 and I.A.No.438/2018 seeking final decree was filed as early as in the year 2018. The report of the Advocate Commissioner was filed as early as on 22.01.2024. In such circumstances, absolutely, there is no impediment for the trial court to proceed with the enquiry for passing final decree, unless the respondents are able to file any stay order passed by the superior court.



4. In the light of the said facts, this court is inclined to direct the learned Additional District Judge, Chengalpattu to dispose of I.A.No.438 of 2018 in O.S.No.33 of 2008, filed for passing final decree, as expeditiously as possible.

I would like to state that the direction issued by this court for expeditious disposal of the final decree petition will not operate, in case, the respondents are able to produce the stay order from the Apex Court.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Additional District Judge,

Chengalpattu.



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S.SOUNTHAR, J.

MST

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