WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-10-2026

CORAM

THE HON'BLE MS.JUSTICE R. POORNIMA

CRP(MD) No. 2861 of 2026

CNR:{HCMD011270062026}

1. Madhanraja
2. Karthickraja

..Petitioner(s)

Vs

1. Ravikumar
2. Baluchamy
3. The Branch Manager
   Tamil Nadu Mercantile Bank,
   Northraja Street,
   Sivagangai Town,
   Sivagangai District.

..Respondent(s)

PRAYER: J-36. Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned District Munsif Court, Sivagangai, to dispose of the application in I.A.No.7 of 2025 in O.S.No.9 of 2016, within a stipulated time frame to be fixed by this Honourable Court and thus render justice.

For Petitioner(s) :M/s M.Divakaran

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Civil Revision Petition has been filed by the revision petitioner seeking a direction to the District Munsif Court, Sivagangai, to dispose of the application in IA.No.7 of 2025 in OS.No.9 of 2016 expeditiously.

2. The petitioners are the plaintiffs, and the respondents are the defendants. The petitioners/plaintiffs filed a suit in O.S.No.9 of 2016 seeking a decree for partition of the suit schedule properties. The suit was decreed, and a preliminary decree was passed on 21.08.2024. Thereafter, the petitioners filed I.A.No.7 of 2025 on 28.02.2025 seeking appointment of an Advocate Commissioner for effecting partition and passing a final decree. However, the trial Court has not proceeded with the matter owing to the alleged non-cooperation of the respondents. It is further submitted that the application has been pending for more than one and a half years without any effective progress. Hence, the petitioners have approached this Court seeking a direction to the trial Court to expedite the proceedings in I.A.No.7 of 2025 and dispose of the same within a time frame.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. On perusal of the ‘B’ Diary, it is seen that an Advocate had filed a change of vakalath for the 2nd respondent on 17.02.2026, and the matter was thereafter adjourned to 27.02.2026 for filing counter. It is further evident that the final decree application has been adjourned from time to time on account of the respondents' failure to file their counter. Though the trial Court has already passed a preliminary decree in the suit, the final decree proceedings have remained pending for want of counter from the respondents for more than seven months. In the circumstances, considering the prolonged pendency of the proceedings and the fact that the preliminary decree has already been passed, it is appropriate to direct the trial Court to proceed with the final decree application without granting unnecessary adjournments and to dispose of the same within a stipulated time.

4. It is seen that the suit was instituted in the year 2016 and a preliminary decree was passed on 21.08.2024. Thereafter, the petitioners filed I.A.No.7 of 2025 on 28.02.2025 seeking passing of a final decree. However, the said application has been pending since 28.02.2025 without any substantial progress. The B-Diary further reveals that the matter has been adjourned from time to time for filing counter and, as on 19.08.2026, the counter has not been filed. In the circumstances, this

https://www.mhc.tn.gov.in/judis

WEB COPY

Court is of the view that the final decree proceedings require expeditious disposal.

5. Accordingly, the District Munsif Court, Sivagangai, is directed to proceed with the final decree proceedings and conclude the same without granting unnecessary adjournments, and dispose of I.A. No.7 of 2025 as expeditiously as possible, preferably within a period of ten months from the date of receipt of a copy of this order. The petitioner is also directed not to seek unnecessary adjournments and to extend his full cooperation for the expeditious disposal of the petition.

6. With the above direction, the civil revision petition is disposed of. No costs.

29-10-2026

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

RM

To

1. The District Munsif Court, Sivagangai.

2. The Section Officer
   VR Section
   Madurai Bench of Madras High Court, Madurai.

https://www.mhc.tn.gov.in/judis

WEB COPY

R.POORNIMA, J.
RM

CRP(MD) No. 2861 of 2026

29-10-2026

https://www.mhc.tn.gov.in/judis