

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD).No.2857 of 2015

K.Mani

... Petitioner

Vs.

1.K.Rangasamy Konar (Deceased)

2.R.Gopalakrishnan

3.R.Lakshmanan

4.R.Mohan Raj

5.Sulochana

6.Dhanalaxmi

7.Savithiri

8.Bakyalaxmi

9.T.Velathal

10.T.Durairaj

11.N.Rameshkumar

12.N.Jothi Lakshmi

13.A.Saraswathy

14.R.Parvathy

15.P.Sakunthala

16.G.Dhanalakshmi

17.G.Karthik

18.R.Natarajan

19.R.Selvaraj

20.R.Manoharan

21.Pechiammal

22.S.Nagalakshmi

23.S.Tamilarasi

24.K.Natarajan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to dispose of E.A.No.254 of 2013 on the file of the II Additional Principal Sub Court, Coimbatore within the stipulated time.

For Petitioner : Mrs.Thenmozhi Shivaperumal

ORDER

The decree holder in E.P.No.127 of 2005 in O.S.No.153 of 2004 on the file of the II Additional Sub Court, Coimbatore has filed the above Civil Revision Petition to direct the Execution Court to dispose of the application filed by the judgment debtor in E.A.No.254 of 2013, the 4th defendant/4th respondent herein.

2.The trial Court decreed the suit in O.S.No.153 of 2004 on 28.01.2005.

3.The learned counsel for the petitioner submitted that though the decree was granted on 28.01.2005 and the Execution Petition was filed on

01.04.2005, the decree holder is not in a position to execute the decree even after a lapse of ten years. Further, the learned counsel submitted that the 4th defendant filed an application in E.A.No.254 of 2013 under Order 21 Rule 97 & 99 of the Civil Procedure Code, which is also pending for more than two years. The learned counsel also submitted that in view of the long pendency of the application the decree holder is put to hardship and prejudice.

4.Having regard to the submissions made by the learned counsel for the petitioner, taking into consideration the limited prayer sought for in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the II Additional Principal Sub Court, Coimbatore, to dispose of the application in E.A.No.254 of 2013 in E.P.No.127 of 2005 in O.S.No.153 of 2004, on merits and in accordance with law, within two months from the date of receipt of a copy of this order.

5.With this observation, the Civil Revision Petition is disposed of. No costs.

Index : No
Internet : Yes
va

29.07.2015

M.DURAIWAMY,J.
va

To

The II Additional Principal Sub Court,
Coimbatore.

C.R.P.(PD).No.2857 of 2015

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