

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.1329 OF 2015

Ariya Vysya Samoogam,
represented by its
Sole Executive Trustee
N.Pandurangan

... Petitioner

Vs.

1. Krishnamurthy
2. Krishnamurthy

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India seeking speedy disposal of E.A.No.5 of 2012 in E.P.No.1 of 2009 in R.C.O.P. No.10 of 2005 pending on the file of the learned District Munsif, Panruti.

For Petitioner : Mr.R.Gururaj

ORDER

Heard the submissions made by Mr.R.Gururaj, learned counsel for the petitioner and perused the materials available on record.

2.This Civil Revision Petition is filed praying for a direction to the learned District Munsif, Panruti for speedy disposal of the proceedings in E.A.No.5 of 2012 in E.P.No.1 of 2009 in R.C.O.P. No.10 of 2005 within a time frame.

3.It is seen that the petitioner initiated eviction proceedings in R.C.O.P.No.10 of 2005 against one Mr.Pasupathi and after contest, the learned Rent Controller, Panruti ordered eviction on 28.02.2008 and the same was confirmed by the appellate authority and this Court in C.R.P.(NPD)No.4714 of 2011 on 07.02.2012.

4.Thereafter, the respondents had instituted the suit in O.S.No.147 of 2012 against the petitioner before the District Munsif, Panruti, seeking permanent injunction. The application filed in I.A.No.550 of 2012 for interim injunction was dismissed by the learned District Munsif.

5.Thereupon, the first respondent filed an application in E.A.5 of 2012 in the eviction proceedings in E.P.No.1 of 2009 under Order XXI Rule 58 of the Civil Procedure Code and the same is pending disposal.

6.Mr.R.Gururaj, learned counsel for the petitioner submitted that the first respondent, who was not able to succeed before the Civil Court has filed the application in E.A.5 of 2012 under Order XXI Rule 58 of the Civil Procedure Code, which is not maintainable in law. It is further submitted that the petitioner, who has succeeded before all the forums is not able to enjoy the fruits of the decree, since the first respondent has been deliberately prolonging the litigation.

7.Considering the facts and submissions of the learned counsel for the petitioner, the learned District Munsif, Panruti is directed to dispose of E.A.5 of 2012 in E.P.No.1 of 2009 in R.C.O.P. No.10 of 2005, on merits and in accordance with law, as expeditiously as possible, preferably on or before 30.06.2015.

8.This Civil Revision Petition is disposed of with the above direction. No costs.

30.03.2015

Index : Yes/No
Internet : Yes/No

VRC/TK

K.KALYANASUNDARAM, J.

VRC/TK

To

The District Munsif,
Panruti.

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