

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

CRP (NPD) No.1429 of 2015

N.S.Zlaudeen Ahamed

.. Petitioner

versus

1. N.S.Mohamed Zahir
2. N.S.Mohamed Farook
3. S.Najimunissa
4. N.S.Mohamed Hidayathullah
5. Salima Bi
6. Abdul Majeed
7. Rahimunissa (deceased)
8. Umma Basheera
9. Azizunnissa
10. Mohamed Sheriff (deceased)
- 11.Zamrut Banu
- 12.Abdul Rasheed
- 13.Zamruth (deceased)
- 14.Feroze Khan
- 15.Shakila
- 16.Shansheeya
- 17.Mohamed Ayub
- 18.Muhmoodha
- 19.Liyakat
- 20.Dhoulat Khan
- 21.Aphrose Khan
- 22.Razia (deceased)
- 23.Dawood Khan
- 24.Banu
- 25.Irfan Banu
- 26.Aasif
- 27.Sarbar
- 28.Meher
- 29.Raziya
- 30.Mehaboob Khan
- 31.Rabiya
- 32.Shakeera
- 33.Rizwan

..Respondents

Petition filed under Article 227 of the Constitution of India to direct the Subordinate Court at Namakkal to dispose of the Execution Petition pending as Regular Execution Petition in R.E.P.No.69 of 2011 in O.S.No.351 of 1980 within a time limit.

For Petitioner : Mr.G.Jayachandran

ORDER

The decree holder in O.S.No.351 of 1980 on the file of the Subordinate Court, Namakkal, has filed the above Civil Revision Petition to direct the Subordinate Court, Namakkal to dispose of the Regular Execution Petition in R.E.P.No.69 of 2011, within a stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner obtained a final decree in a suit for partition in O.S.No.351 of 1980 on 22.12.2010 and pursuant to the final decree, he filed a Regular Execution Petition in R.E.P.No.69 of 2011. According to the learned counsel for the petitioner, though the Regular Execution Petition was filed in the year 2011, the Execution Court has not disposed of the same till now. The learned counsel for the petitioner further submitted that all the applications filed by the third parties were disposed of by the Execution Court and the Execution Petition is ripe for enquiry.

3. 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 Subordinate Court, Namakkal to dispose of the Regular Execution Petition in R.E.P.No.69 of 2011 in O.S.No.351 of 1980, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

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

09.04.2015

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To
The Subordinate Court at Namakkal

M.DURAIWAMY,J

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