

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2578 of 2015

M.Nallamuthu

... Petitioner

v.

1.M.Ramalingam
2.M.Balakrishnan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif cum Judicial Magistrate, Tittagudi to dispose the E.P.No.2 of 2014 in O.S.No.82 of 2008 within a period stipulated by this court.

For Petitioner : Mr.R.Veeramani

O R D E R

The decree holder in the Execution Petition in E.P.No.2 of 2014 in O.S.No.82 of 2008 on the file of District Munsif cum Judicial Magistrate, Tittagudi has filed the above Civil Revision Petition to direct the Execution Court to dispose of the Execution Petition, within a stipulated time.

2. The decree holder obtained a decree in O.S.No.82 of 2008 on 09.02.2011 for declaration, recovery of possession and for mesne profits. Pursuant to the decree passed in O.S.No.82 of 2008, the decree holder filed an Execution Petition in E.P.No.2 of 2014.

3. The learned counsel appearing for the petitioner submitted that the 1st respondent was set ex-party and the 2nd respondent has already filed his counter. Further, the learned counsel submitted that though the 2nd respondent had filed his counter in the year 2014, the Execution Court has not disposed of the same. That apart, the learned counsel also submitted that in view of the long pendency of the Execution Petition, the petitioner-decree holder is put to hardship and prejudice.

4. Having regard to the submission made by the learned counsel for the petitioner and also 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 District Munsif cum Judicial Magistrate, Tittagudi, to dispose of the Execution Petition in E.P.No.2 of 2014 in O.S.No.82 of 2008 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

20.07.2015

Index : No
Internet : Yes

Rj

To

The District Munsif cum Judicial Magistrate,
Tittagudi,

M. DURAISWAMY,J.,

Rj

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