

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.409 OF 2015

O.M.Ravi @ Rajini

... Petitioner

Vs.

1.Madhaiyan
2.Selvaraj
3.Senbagavalli
4.Kiruthika
5.Unnamalai

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure with a prayer to direct the learned Subordinate Judge at Mettur to dispose R.E.A.No.90 of 2012 in R.E.P.No.23 of 2006 in O.S.No.46 of 2001 in a time framed manner.

For Petitioner : Mr.Thanga Vadhana Balakrishnan

ORDER

This Civil Revision Petition is filed seeking for a direction to the learned Subordinate Judge, Mettur to dispose of R.E.A.No.90 of 2012 in R.E.P.No.23 of 2006 in O.S.No.46 of 2001.

2.The second respondent had instituted the suit in O.S.No.46 of 2001 against the first respondent for recovery of money. Pending suit, the property of the judgment debtor was attached. The suit was decreed on 06.10.2005.

3.Based on the decree, the second respondent filed R.E.P.No.23 of 2006 to bring the property for sale. The petitioner herein is the successful bidder in the auction sale.

4.Subsequently, the first respondent filed R.E.A.No.90 of 2012 under Order 21 Rule 90 and Section 151 of the Code of Civil Procedure to set aside the auction sale dated 30.08.2012.

5.Heard Mr.Thanga Vadhana Balakrishnan, learned counsel for the petitioner and perused the materials available on record.

6.The main grievance of the petitioner is that though he purchased the property on 30.08.2012, he is not able to take possession of the property, still the application filed by the judgment debtor is pending, which causes mental agony to the petitioner.

7.Considering the facts of this case, this Court is inclined to issue direction as sought for in this Civil Revision Petition. Accordingly, this Civil Revision Petition is disposed of with a direction to the learned Subordinate Judge, Mettur to dispose of R.E.A.No.90 of 2012 in R.E.P.No.23 of 2006 in O.S.No.46 of 2001, as expeditiously as possible, on or before 30.04.2015. No costs.

19.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The Subordinate Judge
Mettur.

K.KALYANASUNDARAM, J.
TK

C.R.P.(NPD) NO.409 OF 2015

19.02.2015