



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2015

CORAM:
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

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C.R.P.(MD).NO.145 of 2015

Sathish Kumar ... Petitioner

vs.

1.Subbiah
2.Muthuramalingam
3.Minor.Senthilkumar
reb.by his father and guardian, the second respondent herein.
4.A.S.Muthiah Mudaliar ... Respondents

PRAYER: This Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned District Judge, Tirunelveli to dispose of C.M.A.No.33 of 2010 within a time frame fixed by this Court.

For Petitioner : Mr.S.Gokulraj

O R D E R

The claim petitioner, in a execution proceeding is the revision petitioner. The claim petition filed under Order 21 Rule 58 by the petitioner herein was dismissed on 28.06.2010. Aggrieved by the same, the third party, petitioner has filed C.M.A.No.33 of 2010 on the file of the District Court, Tirunelveli.

2.The grievance of the petitioner is that though the appeal has been pending from 2010, again and again it was adjourned and it has not been taken up for final hearing. Hence, he filed the revision seeking direction to the District Judge, Tirunelveli for speedy disposal of the appeal.

3.On perusal of the memorandum of the grounds of appeal in C.M.A, the appeal paper was made over to the I Additional District Judge, Tirunelveli for disposal according to law on 05.10.2010. Notices were received by the respondents and on 10.01.2011 R4 called absent and set exparte. From January 2011, till October 2013, the matter was kept adjourned on the ground of await lower Court records. On 04.11.2013, the argument of the appellant was heard and for respondent's side argument, the matter was adjourned to 05.11.2013 and it has been adjourned till today, without hearing the respondent's argument.

4.As it is only civil miscellaneous appeal and only for the argument of the appellant the matter is being adjourned. There is no reason for the District Judge, Tirunelveli adjourning the matter for more than four years. Therefore, the District Judge, Tirunelveli is directed to dispose of the C.M.A.No.33 of 2010 as expeditiously as possible. However, not later than 30th April 2015.



With the above direction, the civil revision petition is disposed of.
No costs.

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/True copy/

Sd/-

Assistant Registrar (per.Admn)

Sub Assistant Registrar

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To
The District Judge,
Tirunelveli.

+1cc to MR.S.GOKUL RAJ,ADVOCATE SR NO.5991

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