



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P(MD)No.2368 of 2015

K.Gunasekaran

.. Petitioner/court auction purchaser/
Third party

Vs.

1.A.S.Jeyaraman

.. 1st Respondent/Petitioner/
Plaintiff (Decree Holder)

2.G.Rukmani

.. 2nd Respondent/Respondent/
Defendant (Judgment Debtor)

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned I Additional District Judge, Madurai to dispose of E.P.No.3 of 2009 in O.S.No.113 of 2007 on the file of the learned I Additional District Judge, Madurai within a stipulated time.

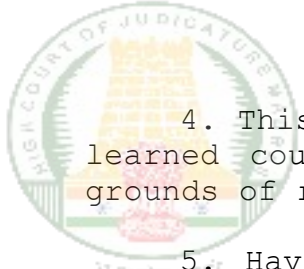
For Petitioner : Mr.R.V.Rajkumar

ORDER

The revision petitioner-Mr.K.Gunasekaran is the third party purchaser in respect of the property, which was brought for sale in E.P.No.3 of 2009.

2. It transpires from the records that the first respondent herein had filed a suit in O.S.No.113 of 2007 as against the second respondent for recovery of a sum of Rs.8,06,300/-. That suit was decreed in his favour and in pursuant to the decree, he had filed an Execution Petition in E.P.No.3 of 2009 on the file of the learned I Additional District Judge, Madurai and subsequently, the property which was sought to be attached was brought for sale and the revision petitioner had participated in the auction and purchased the property and thereafter, he had deposited the entire sale amount.

3. What the grievance of the revision petitioner is that even after he purchased the property through the Court auction sale, the Court sale is yet to be confirmed. It is to be highlighted that he had deposited the entire sale price before the concerned Court to the credit of E.P.No.3 of 2009. Hence, he has approached this Court after invoking the provisions of Article 227 of the Constitution of India to issue a direction the Court of first instance to dispose of the Execution Proceedings in E.P.No.3 of 2009 as expeditiously as possible preferably within a specified time that may be fixed by this Court.



4. This Court has considered the submissions made by Mr.R.V.Rajkumar, learned counsel appearing for the revision petitioner and perused the grounds of revision along with other records.

5. Having regard to all the related facts and circumstances, this Court finds that it may be expedient to issue a direction to the Court of first instance, as sought for by the revision petitioner.

6. Accordingly, the learned I Additional District Judge, Madurai, the Court of first instance, is hereby directed to dispose of E.P.No.3 of 2009 in O.S.No.113 of 2007 within a specified period of two months from the date of receipt of a copy of this order without loss of further time, after following the legal formalities.

7. With this direction, this Civil Revision Petition is allowed. However, there shall be no order as to costs.

sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To
The I Additional District Judge,
Madurai.

+1cc to M/s.R.V.RajKumar, Advocate Sr.NO.64455

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