



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.11.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (PD) (MD) No.2512 of 2015

1.Sunanda
2.Sunitha
3.Krishnan Nair

.. Petitioners/Plaintiffs

Vs.

1.Ponnaian Nadar
2.Sundaram Nadar
3.Kolappan Nadar
4.Sarojini Amma
5.Lekshmanan Nadar
6.Madhavankutty
7.Anandavalli Amma
8.Nagamony Nadar
9.Selvarajan
10.Rajan
11.Santhakumari
12.Ajitha
13.Viju
14.Dhas
15.Kanaka Raj
16.Sreenivasan
17.Nagamony
18.Gopalakrishnan
19.Muthukumar
20.Naryanan
21.Subramanian
22.Arumugham
23.Chandrakumar
24.Saraswathy
25.Parameswaran
26.Velayudhan
27.Manikandan
28.Sreedevan
29.Sundaramony
30.Rajan
31.Ummal Beevi
32.Shahul Hameed
33.Chellaswamy
34.Thankaswamy
35.Ponnuswamy Nadar
36.Retnaswamy
37.Sundaramony
38.Gopalakrishnan
39.Sundaran



40.Sumathi
41.Mohan
42.Murali
43.Anand
44.Syamalakumari
45.Anitha
46.Beena
47.Sindhu
48.Deepa
49.Rajasekar
50.Chandra Giri
51.Viju
52.Jegan
53.Suja
54.Anand
55.Mohan
56.Murali
57.Indira
58.Sumathi
59.Chellathankam

.. Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District Munsif, Kuzhithurai to dispose of E.P.No.87 of 2007 in O.S.No.642 of 1969 on its file within a time to be fixed by this Court.

For Petitioners : Mr.K.N.Thampi

ORDER

Invoking the provisions of Article 227 of the Constitution of India. This revision petition is filed by the petitioners 1 to 3, who are the plaintiffs in the suit in O.S.No.642 of 1969 seeking a direction to the Principal District Munsif, Kuzhithurai to dispose the execution petition in E.P.No.87 of 2007 in O.S.No.642 of 1969 within the time frame that may be fixed by this Court.

2.Heard Mr.K.N.Thampi, learned counsel appearing for the petitioners and perused the averments of the grounds of the Civil Revision Petition.

3.It is manifest from the records that the petitioners have filed a suit in O.S.No.642 of 1969 on the file of the Principal District Munsif, Kuzhithurai at Kanyakumari District as against the respondents for redemption. In that suit, final decree was passed on 17.01.1979 in I.A.No.822 of 1978. Thereafter, the petitioners on the strength of the final decree had taken out an execution proceedings in E.P.No.87 of 2007 on the file of the Court of first instance. However, that execution petition, for one reason or other, had been adjourned periodically from the year 2007 till today, without any progress. It is to be noted that the preliminary decree was passed as early as in the year 1979 that is on 17.01.1979. But, till today, the decree holders, who are the petitioners <https://hcservices.ecourts.gov.in/hcservices/> herein are not able to get the benefit of the decree and therefore, they have approached this Court by way of this Civil Revision Petition seeking a direction to the learned Principal District Munsif, Kuzhithurai to expedite the execution petition.



4.The submission made by the learned counsel for the petitioners is considered by this Court and the Court also perused the averments of the grounds of the Civil Revision Petition.

5.Having regard to all the relative facts and circumstances, this Court finds that this civil revision petition deserves to be allowed and a direction may also be issued as sought for by the petitioners.

6.Accordingly, the Civil Revision Petition is allowed. The learned Principal District Munsif, Kuzhithurai is hereby directed to dispose the execution petition in E.P.No.87 f 2007 in O.S.No.642 of 1969 within a period of two months from the date of receipt of a copy of this order, without loss of further time and he is also directed to bestow his personal attention to dispose of the E.P., as stated supra, as it is a long pending matter. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To
The Principal District Munsif,
Kuzhithurai.

+1cc to M/S.K.N.Thampi, Advocate in SR.No. 67264

TS/15.12.2015/3P-3C/NGM-SS

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