

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

CRP (NPD) No.1312 of 2016

Boopalan

.. Petitioner

Vs

Kaliaperumal

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the Executing Court viz., the Court of Sub-ordinate Judge, Mannargudi to dispose of E.P.No.27 of 2014 in O.S.No.70 of 1989 at the earliest, preferably within two months.

For Petitioner

:Mr.A.Muthukumar

ORDER

The decree holder/plaintiff in E.P.No.27 of 2014 in O.S.No.70 of 1999 on the file of the Subordinate Judge, Mannargudi is the revision petitioner herein. The suit in O.S.No.70 of 1999 on the file of Sub Court, Kumbakonam was decreed on 25.02.1991.

2.Aggrieved over the same, the judgment debtor/defendant has preferred an appeal in A.S.(MD) No.588 of 1991 on the file of Madurai Bench of this Hon'ble Court. That appeal was dismissed on 30.08.2006.

3. Pursuant to the dismissal of A.S.(MD) No.588 of 1991, the decree holder has filed the Execution Petition in E.P.No.27 of 2014 in O.S.No.70 of 1989 on the file of Sub Court, Mannargudi, for delivery of possession. The Executing Court has ordered delivery of possession in the year 2016.

4. This Civil Revision Petition has been filed by the decree holder who had obtained a decree against the judgment debtor even in the year 1991, but not being able to enjoy the fruits of the decree till now.

5. Hence, this Civil Revision Petition has been filed seeking direction to the Executing Court to dispose of the Execution Petition in E.P.No.27 of 2014 in O.S.No.70 of 1989 on the file of Subordinate Judge, Mannargudi, at the earliest.

6. It is represented by the learned counsel for the revision petitioner that the decree could not be executed for more than a decade, despite the decree holder having obtained a decree and the Executing Court ordering delivery.

7. It is specifically pointed out by the learned counsel for the revision petitioner that delivery warrant could not be implemented in the execution proceedings for want of Village Administrative Officer.

8. In the absence of the Village Administrative Officer, the person who is in charge of the post of the Village Administrative Officer or any other officer higher in rank than that of the Village Administrative Officer, or Village Administrative Officer of the nearby village (if sufficient) is directed to render assistance to the decree holder to execute the decree. Such assistance ought to have been demanded by the decree holder and that has not been done.

9. Further, this Civil Revision Petition has been filed only seeking direction to the Executing Court for early disposal of the Execution Petition in E.P.No.27 of 2014 in O.S.No.70 of 1989 on the file of Sub Court, Mannargudi.

10. Having regard to the fact that the decree remained un-executed right from the year 1991, the Executing Court is directed to dispose of the Execution Petition in E.P.No.27 of 2014 in O.S.No.70 of 1989, within a period of two months from the date of receipt of a copy of this order.

11. With the above direction, this Civil Revision Petition stands disposed of. No costs.

29.04.2016

ds

To:
The Sub-ordinate Judge,
Mannargudi.

S.VIMALA,J.

ds

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