

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.1593 of 2016

C.M.Duraisamy (Deceased)

1.Rejina Duraisamy

2.Sheela Vincent

... Petitioners

Vs.

Tmt.Madhalai Mary (Deceased)

rep by LRs.

1.Anthony Ammal

Jayaraj (Deceased)

2.Susaimary

3.Xavier

4.Kuzhandhai Theresa

5.L.M.Lawrence

Rathinammal (Deceased)

Julie (Deceased)

6.Pauline

7.Marshall

8.A.Lawrence

9.Sevin

10.Francis

Arookiyasamy (Deceased)

11.Santhana Mary @ Victoria

12.Anthony Joseph

13.Mary Peter

Jaya Marry Ammal (Deceased)

14.Stanish Lawns

15.Manoharan
 16.Joseph @ Mariya Joseph
 17.Margaret
 18.Victor
 19.Amallraj
 Nirmal Kumar (Died)

... Respondents

(Petitioners 1 & 2 are the legal heirs of the deceased, impleaded as per orders made in 611/2003 and 1106/2003; Respondents 1 & 5 alone contesting, as relief against others were given up, hence, the petition to dispense with notice filed.)

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the I Additional District Munsif Court, Coimbatore to dispose of the pending E.P.No.18 of 2014 in O.S.No.936 of 1977 irrespective of any of the applications to be filed by the contesting respondents within the stipulated period as fixed by this Court.

For Petitioner : Mr.S.Mukunth
 for Mr.R.Ganesh Babu

ORDER

The Decree Holders in O.S.No.936 of 1977 on the file of the I Additional District Munsif Court, Coimbatore have filed the above Civil Revision Petition to direct the I Additional District Munsif, Coimbatore to dispose of the Execution Petition in E.P.No.18 of 2014 within a time frame.

2.The learned counsel appearing for the petitioners submitted that pursuant to the final decree passed in O.S.No.936 of 1977, the petitioners have filed the Execution Petition in E.P.No.18 of 2014. Further, the learned

counsel submitted that though the proceedings have commenced as early as in the year 1977, the proceedings have not reached its finality. That apart, the learned counsel also submitted that in view of the long pendency of the matter, the petitioners are put to hardship and prejudice.

3.Having regard to the submissions made by the learned counsel for the petitioner, taking into consideration the prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, I direct the I Additional District Munsif, Coimbatore to dispose of the Execution Petition in E.P.No.18 of 2014 in O.S.No.936 of 1977, on merits and in accordance with law, within three months from the date of receipt of a copy of this order.

4.With these observations, the Civil Revision Petition is disposed of.

No costs.

Index : Yes/No
Internet : Yes
va

06.06.2016

To

The I Additional District Munsif Court,
Coimbatore.

M.DURAIWAMY,J.
va

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