

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2574 of 2016
and
CMP No.13241 of 2016

M. Kesavan

.... Petitioner

vs

A. Jayaraman

.... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the petition and order in E.P.No.63 of 2009 in O.S.No.21 of 1994 on the file of Subordinate Court, Poonamallee.

For Petitioner : Mr.T.R. Rajagopalan,
Senior Counsel for
M/s P. Veena Suresh

ORDER

The Decree Holder in the Execution Petition in E.P.No.63 of 2009 in the suit in O.S.No.21 of 1994 on the file of subordinate Court, Poonamallee, has filed the above Civil Revision Petition to direct the Executing Court to dispose of the Execution Petition within a stipulated time.

2. Mr.T.R. Rajagopalan, learned Senior Counsel, appearing for the petitioner, submitted that though the Execution Petition was filed in the year 2009 and the respondent had filed his counter in the Execution Petition, the Executing Court has not disposed of the Execution Petition yet. Further, the learned Senior Counsel submitted that in view of the long pendency of the matter, the Decree Holder is put to hardship and prejudice.

3. The learned Senior Counsel further submitted that as against the order passed by the Executing Court in E.P.No.63/2009, the parties had challenged the same before this Court in Civil Revision Petition Nos.142/2012 and 3249/2013 and this Court, by Order dated 23.03.2015 dismissed both the Civil Revision Petitions. Against which, the respondent/judgment debtor filed an appeal before the Hon'ble Supreme Court of India in SLP © No.30401/2015 and the Apex Court, by its order dated 02.11.2015 dismissed the SLP.

4. Having regard to the submissions made by the learned Senior Counsel, appearing for the petitioner, taking into consideration the limited prayer sought in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the Subordinate Judge, Poonamallee to dispose of the Execution Petition in E.P.No.63 of 2009 in O.S.No.21 of 1994, on merits and in accordance with law,

within a period of six weeks from the date of receipt of copy of this order. With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected CMP is closed.

17-08-2016

sr

Index:no
website:yes

To

The Subordinate Court, Poonamallee.

M. DURAISWAMY,J.,

sr

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