

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2928 of 2016

1. K. Radhalakshmi
2. K. Ramesh Boopathy
Petitioners

...

VS

M/s R. Tech Industries
represented by its Proprietor
R. Rajendra Babu
having Office at
No.3/88, Mount Poonamallee Road,
Ramapuram, Chennai – 600 089

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying for a direction to the Hon'ble Subordinate Judge, Poonamallee to dispose EP No.38 of 2015 in O.S.No.242 of 2008.

For Petitioner : Mr.P. Subba Reddy

ORDER

The Decree Holders in the Execution Petition in E.P.No.38 of 2015 in O.S.No.242 of 2008, on the file of Subordinate Court,

Poonamalee, have filed the above Civil Revision Petition to direct the Executing Court to dispose of the Execution Petition in E.P.No.38 of 2015, within a stipulated time.

2. The plaintiffs filed a suit in O.S.No.242 of 2008 for recovery of possession and for arrears of rent. By Order dated 18.08.2014, the trial Court decreed the suit. Pursuant to the decree passed in the suit in O.S.No.242 of 2008, the plaintiffs filed an Execution Petition in E.P.No.38 of 2015.

3. The learned counsel appearing for the petitioners submitted that though the respondent/judgment debtor entered appearance in the Execution Petition, so far, they have not filed counter and the Execution Petition is being adjourned periodically. The learned counsel further submitted that since the judgment debtor is still continuing to be possession in the property, without paying any rent, the Executing Court may be directed to dispose of the Execution Petition within a stipulated time.

4. Having regard to the submissions made by the learned counsel for the petitioners and taking into consideration the limited prayer sought for 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.38 of 2015 in O.S.No.242 of 2008, on merits and in accordance with law, within four months from the date of receipt of a copy of this order. With these observations, the civil revision petition is disposed of. No costs.

20-09-2016

sr

Index:no
website:yes

To

The Subordinate Judge, Poonamallee

M. DURAISWAMY,J.,

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