

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.3210 of 2016

R.Elangovan

... Petitioner

Vs.

R.Parthiban

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking to direct the Execution Court to complete the enquiry of the E.P.No.3 of 2015 within a stipulated time.

For Petitioner : Mr.P.Sesubalan Raja
ORDER

The Decree Holder in the Execution Petition in E.P.No.3 of 2015 in O.S.No.200 of 2007 on the file of the District Munsif-cum-Judicial Magistrate, Valangaiman, Tiruvarur, has filed the above Civil Revision Petition seeking to direct the Executing Court to dispose of the Execution Petition within a stipulated time.

2.The learned counsel appearing for the petitioner submitted that pursuant to the decree passed in O.S.No.200 of 2007, the Decree Holder filed the Execution Petition in E.P.No.3 of 2015 and the same is kept pending for a long time. The learned counsel further submitted that though the decree was passed in the year 2009, the Decree Holder is not in a position to execute the same even after a lapse of seven years.

3.In view of the submissions made by the learned counsel for the petitioner, 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 District Munsif cum Judicial Magistrate, Valangaiman, Tiruvarur, to dispose of the Execution Petition in E.P.No.3 of 2015 in O.S.No.200 of 2007, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is made clear that in the case of any interim order obtained by the respondent/Judgment Debtor in the Second Appeal in S.A.No.755 of 2011, the time stipulated by this Court in this Civil Revision Petition need not be implemented.

4. With this observation, the Civil Revision Petition is disposed of. No costs.

Index : No
Internet : Yes
va

18.10.2016

To

The District Munsif cum
Judicial Magistrate,
Valangaiman,
Tiruvavur.

**M. DURAISWAMY,J.
va**

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