

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.87 of 2016

Velayutham

... Petitioner

v.

1.Sellamuthu
2.Palanivel
3.Kolaindai
4.Muthusamy
5.Krishnamoorthy
6.Periyasamy
7.Ramayee
8.Thangavel

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to issue direction to the Trial Court to dispose of the application in E.A.No.377 of 2007 in E.P.No.55 of 2005 in O.S.No.140 of 1997 on the file of the District Munsif Court, Perambalur.

For Petitioner : Mr.R.Venkatesulu

ORDER

The plaintiff-decree holder has filed the above Civil Revision Petition to direct the District Munsif Court, Perambalur, to dispose of the application in E.A.No.377 of 2007 in E.P.No.55 of 2005 in O.S.No.140 of 1997, filed under section 47 of the Civil Procedure Code, within a stipulated time.

2. The learned counsel appearing for the revision petitioner submitted that pursuant to the decree granted in favour of the plaintiff in O.S.No.140 of 1997 on 16.09.2004, the plaintiff filed an Execution Petition in E.P.No.55 of 2005. Subsequently, in the year 2007, the respondents 1 and 2, who are third parties to the proceedings, have filed an application in E.A.No.377 of 2007 under section 47 of the Civil Procedure Code. The learned counsel further submitted that though the application was filed in the year 2007, ever after a lapse of 8 years, the Execution Court has not disposed of the same. Further, the learned counsel submitted that in view of the long pendency of the application, the plaintiff is put to hardship and prejudice.

3. Having regard to the submission made by the learned counsel appearing for the revision petitioner and also 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 Court, Perambalur, to dispose of the application in E.A.No.377 of 2007 in E.P.No.55 of 2005 in O.S.No.140 of 1997 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and report the disposal of the application to the Registry of this court.

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

20.01.2016

Index : Yes/No

Rj

To

The District Munsif Court,
Perambalur,

M. DURAISWAMY,J.,

Rj

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