



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (MD) No.1189 of 2016

Congress Ponpandian

..Petitioner/Petitioner/
Petitioner/Plaintiff

vs.

Pugazharasan

..Respondent/Respondent/
Respondent/Defendant

Prayer: Petition filed under Article 227 of the Constitution of India against the proceedings in E.A.No.306 of 2015 in E.P.No.96 of 2008 in O.S.No.106 of 2006 on the file of the Principal Sub Court, Tenkasi to expedite the disposal of the Execution Application No.306 of 2015.

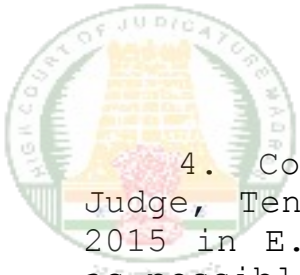
For Petitioner : Mr.F.X.Eugene

ORDER

This revision has been filed seeking for a direction to the Principal Sub Court, Tenkasi to dispose of the application in E.A.No.306 of 2015 in E.P.No.96 of 2008 in O.S.No.106 of 2006, within a time frame.

2. Mr.F.X.Eugene, learned counsel appearing for the petitioner would submit that the petitioner instituted a suit in O.S.No.106 of 2006 against the respondent for specific performance. After contest, the suit was decreed on 31.01.2008. The appeal preferred by the defendant, before the III-Additional District Court, Tirunelveli in A.S.No.71 of 2012 against the Judgment and Decree passed in O.S.No.106 of 2006, was dismissed on 22.10.2013. The decree has reached finality.

3. The learned counsel appearing for the petitioner further submitted that though the trial Court decreed the suit on 31.01.2008 and a sale deed executed in favour of the petitioner on 14.03.2015, possession of the property is not yet delivered to the petitioner. It is further submitted that the obstruction petition filed by the sister of the Judgment Debtor was also dismissed and therefore, there is no impediment in delivering the suit property to the petitioner. It is further contended that the application in E.A.No.306 of 2015 filed for delivery of possession is being adjourned without any reasons and therefore suitable direction can be issued to the Executing Court.



4. Considering the above fact, the learned Principal Sub Judge, Tenkasi shall dispose of the application in E.A.No.306 of 2015 in E.P.No.96 of 2008 in O.S.No.106 of 2006 as expeditiously as possible preferably on or before 31.08.2016.

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5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Principal Subordinate Judge, Tenkasi.

+1cc to M/s.F.X.Eugene, Advocate in SR.31384

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ps

PBK/KBM 27/06/2016 ::2P-3C::