



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P(MD)No.134 of 2016

D.Vijay Anand

.. Revision Petitioner/Petitioner/
Landlord/Petitioner

D.Vimal Anand(died)

Vs.

K.Pushpa

.. Respondent/Respondent/Tenant/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Additional District Munsif, Madurai Town or the Court in-charge of Additional District Munsif, Madurai Town at present to dispose of E.P.No.121 of 2014 in R.C.O.P.No.39 of 2008 on his file within the period stipulated by this Court.

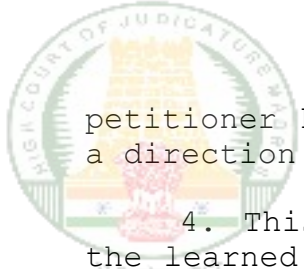
For Petitioner : Mr.S.Manohar

ORDER

Heard Mr.S.Manohar, learned Counsel appearing for the revision petitioner and perused the grounds of revision along with the relevant materials available on record.

2. After invoking the provisions of Article 227 of the Constitution of India, this revision petition is filed by the revision petitioner who is the decree holder/landlord in R.C.O.P.No.39 of 2008 seeking a direction to the executing Court viz., Additional District Munsif, Madurai Town to dispose of the execution petition in E.P.No.121 of 2014 in R.C.O.P.No.39 of 2008 as expeditiously as possible preferably within a time, which may be fixed by this Court.

3. It is apparent from the records that the petitioner being the landlord had filed a Rent Control Original Petition in R.C.O.P.No.39 of 2008 on the file of the learned Rent Controller (Additional District Munsif), Madurai Town seeking an order of eviction against the respondent/tenant. That petition was allowed and the order of eviction was granted. Based on the strength of the eviction order, the revision petitioner had taken out the execution proceedings in E.P.No.121 of 2014. It is pertinent to note that the Rent Control Original Petition is filed in the year 2008. Despite an order of eviction was passed on 27.01.2012, till date the revision petitioner being the decree holder/landlord is not enjoying the fruits of the decree. However, for the one reason or other, the executing Court has been postponing the hearing of the execution proceedings. Only under such circumstances, the revision



petitioner has approached this Court with this revision petition seeking a direction as afore stated.

4. This Court, taking into consideration of the submission made by the learned Counsel appearing for the petitioner and based on the grounds of revision, finds that in the interest of Justice it may be expedient to issue a direction to the trial Court, as sought for by the petitioner.

5. Accordingly, this Civil Revision Petition is allowed. The learned Additional District Munsif, Madurai Town is hereby directed to dispose the execution petition in E.P.No.121 of 2014 in R.C.O.P.No.39 of 2008 by the end of February 2016, without loss of further time. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

The Additional District Munsif, Madurai Town.

+1CC to Mr.S.Manohar, Advocate, SR.No. 5132

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27.01.2016

AM/01.02.2016/NGM.SS/SAR-I/2P/3C