



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.08.2016
CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) .No.1514 of 2016

WEB COPY

A.Muppidathi (Died)
1.A.Sudalaivadivoo
2.M.Essakkimuthu
3.M.Arunachalam

.. Petitioners/Petitioners/
Proposed petitioners 2 to 4

Vs.

Jabasthiyal Kannan

.. Respondent/Respondent/
Respondent/Plaintiff/
Respondent in Cross objection

Prayer: Petition is filed under Article 227 of Constitution of India, to direct the learned District Munsif, Tirunelveli to dispose the petition in E.A.No.290 of 2015 in E.P.No.174 of 2013 in O.S.No.595 of 2009 on the file of the Principal District Munsif Court, Tirunelveli within a time limit fixed by this Court by allowing this Civil Revision petition.

For Petitioners : Mr.T.Selvan

ORDER

This Revision is filed seeking for a direction to dispose of the application in E.A.No.290 of 2015 in E.P.No.174 of 2013 in O.S. No.595 of 2009 on the file of the learned Principal District Munsif, Thirunelveli, within a time frame.

2. Heard the learned counsel for the petitioner and perused the records.

3. Mr.T.Selvan, learned counsel for the petitioner would submit that the respondent filed a suit in O.S.No.595 of 2009 against the first petitioner's husband and the father of petitioner Nos.2 and 3, namely, Muppidathi for permanent injunction in which, the defendant filed cross objection praying for permanent injunction and mandatory injunction. The Trial Court decreed the suit and also granted mandatory injunction partly allowing the cross objection.

4. It is further submitted that the plaintiff preferred an appeal against the Judgment and Decree in A.S.No.133 of 2012 and the defendant also filed cross appeal praying for permanent injunction. The Appellate Court allowed the cross appeal while dismissing the appeal. Based on the decree, the defendant filed an Execution petition in E.P.No.174 of 2013.

5. Learned counsel for the petitioner would further submit that pending execution petition, the decree holder died and the petitioners as legal heirs, filed E.A.No.290 of 2015 to implead them as petitioners. The application is pending for more than one year without any progress and hence, prayed for early disposal.



6. Considering the above said submissions and without going into the merits of the case, the learned Principal District Munsif, Thirunelveli, is directed to dispose of the application in E.A.No.290 of 2015 in E.P.No.174 of 2013 in O.S.No.595 of 2009 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the Civil Revision Petition is disposed of. No costs.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

The Principal District Munsif,
Tirunelveli.

+2cc to M/S.T.Selvan, Advocate in SR.No.42015

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pmu

PA/GSV-PM/SAR III/16.08.2016/2P/4C