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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.10.2016

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P (PD) (MD) No.2015 of 2016

N.Hari Kannan

.. Petitioner/Petitioner/Plaintiff

-vs-

K.Jamuna Rani

.. Respondent/Respondent/Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to direct the Subordinate Judge, Melur(Camp Court) to dispose of E.P.No.194 of 2015 in O.S.No.159 of 2011 on merits within the time frame fixed by this Court.

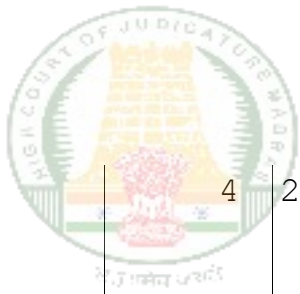
For Petitioner : M/s.M.Ponniah

ORDER

This revision has been filed seeking for a direction to direct the Sub-ordinate Judge, Melur(Camp Court) to dispose of E.P.No.194 of 2015 in O.S.No.159 of 2011 and to pass appropriate orders on merits within the time frame fixed by this Court.

2.According to the Petitioner that the Petitioner as plaintiff, has filed a suit in O.S.No.159 of 2011 against the respondent herein for ejectment, recovery of arrears of rent amount, damages and for other reliefs. The aforesaid suit was decreed on 09.06.2015 and two months time was granted by the trial Court to vacate and hand over the vacant possession of the disputed premises to the Petitioner herein. Thereafter, the respondent herein has not complied with the order of the trial Court. Hence the Petitioner has filed an execution petition in E.P.No.195 of 2015, for delivery of possession. In the aforesaid E.P, notice has been ordered to the respondent and the same has been adjourned on various dates, which reads as under:

SL.No.	Date of Hearing	Stage of the case
1	11.08.2016	Notice to respondent by 16.09.2016
2	16.09.2016	Notice served Mr.R.Muthumani files Vakalath-counter by 20.11.2015
3	20.11.2015	Counter by- on petition time extended till 20.01.2016 (NFA)



4	20.01.2016	Counter NFA. Counter filed - Petitioner side enquiry heard - Exhibit P1 and P2 marked - respondent side enquiry by 29.01.2016(L.C)
5	29.01.2016	Respondent side enquiry(L.C) - On petition filed by respondent call on 5.2.2016(NFA)
6	5.2.2016	Adjournment petition filed and partly allowed -petition under Order 21 Rule 26 is filed C & C on 09.02.2016
7	09.02.2016	Under Order 21 Rule 26 petition filed check and found correct - E.A.No.2 of 2016 -Stay petition pending call on 19.02.2016
8	19.02.2016	E.A.No.2 of 2016 -Stay petition pending call on 30.3.2016
9	30.03.2016	E.A.No.2 of 2016 -Stay petition pending call on 06.04.2016
10	06.04.2016	E.A.No.2 of 2016 -Stay petition pending call on 22.04.2016
11	22.4.2016	Local Holiday
12	27.4.2016	E.A.No.2 of 2016 -Stay petition pending call on 14.06.2016
13	10.06.2016	E.A.No.2 of 2016 -Stay petition pending call on 14.06.2016
14	14.06.2016	E.A.No.2 of 2016 -Stay petition pending call on 17.06.2016
15	17.06.2016	E.A.No.2 of 2016 -Stay petition pending call on 22.06.2016
16	22.06.2016	Respondent side enquiry NFA. E.A.No.2 of 2016 pending - dismissed - respondent side enquiry by 29.6.2016(NFA)
17	29.6.2016	Respondent side enquiry NFA - No representation for the Petitioner - respondent appeared in person - filed a memo - Call on 12.07.2016
18	12.07.2016	Memo filed - Checked -returned - respondent side enquiry NFA - No representation for both party - Call on 16.09.2016(NFA)
19	16.09.2016	Respondent side enquiry call on 21.09.2016



Court to consider the limited prayer sought for by the Petitioner to dispose of the aforesaid E.P.No.194 of 2015 in O.S.No.159 of 2011.

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4.Considering the facts and circumstances of the case and in the interest of justice, without expressing any opinion on the merits of the case, this Court is inclined to pass the following order:

If there is no other impediment in disposing the above said execution petition, the Sub-Court(Camp Court), Melur is directed to dispose of the E.P.No.194 of 2015 in O.S.No.159 of 2011 on merits and in accordance with law, after providing opportunity of hearing to the respondent, as expeditiously as possible, preferably within a period of four months, from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The Sub-Judge(Camp Court),
Melur.

+1 cc to Mr.M.Ponniah, Advocate in SR No.59480

C.R.P (PD) (MD) No.2015 of 2016
04.10.2016

vsn

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