



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(MD)No.539 of 2016

M. Bakthat

... Petitioner/Petitioner/Plaintiff

Vs.

Abdul Wahab (Died).

1. Junaitha Begum
2. A.Barakath
3. A.Hazeena

... Respondents/Respondents/
Judgment Debtors

PRAYER: Petition is filed under Article 227 of Constitution of India to direct the Principal Subordinate Court, Nagercoil to dispose of E.A.No.499 of 2011 in O.S.No.100 of 1995 within the time frame as fixed by this Court.

For Petitioner : Mr.N.Sivakumar

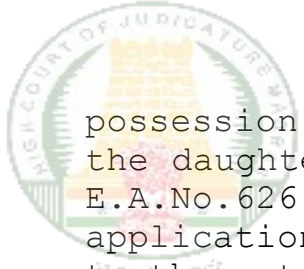
For Respondents : Mr.P.Prabhakaran

O R D E R

This Civil Revision petition is filed for a direction to the Principal Subordinate Court, Nagercoil, to dispose of E.A.No.499 of 2011 in O.S.No.100 of 1995.

2. The learned counsel for the petitioner would submit that the petitioner has instituted a suit against one Abdul Wahab for specific performance. The suit was decreed on 23.11.2000. The appeal filed by the defendant in A.S.No.6 of 2001 was dismissed by the Principal District Court, Nagercoil on 27.08.2001. The Second Appeal filed by the defendant in S.A.No.165 of 2002, was also dismissed on 10.06.2008.

3. The learned counsel for the petitioner would further submit that in Execution petition in E.P.No.81 of 2009, the Court has executed a Sale Deed in favour of the petitioner on 18.02.2011. Thereafter, he has filed an E.A.No.499 of 2011 for delivery of



possession. At this juncture, the first respondent, who is one of the daughters of the original defendant, filed a claim petition in E.A.No.626 of 2012. Due to the pendency of the Execution application, the delivery was not effected, which caused prejudice to the petitioner.

WEB COPY

4. Heard, Mr.P.Prabhakaran, learned counsel for the respondents and perused the records.

5.Considering the above facts, the learned Principal Subordinate Judge, Nagercoil is directed to dispose of the applications in E.A.No.499 of 2011 and E.A.No.626 of 2012 in O.S.No.100 of 1995 as expeditiously as possible, preferably on or before 29.07.2016.

6. **In the result**, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Nagercoil.

+ 1 CC TO MR.N.SIVAKUMAR, ADVOCATE IN SR No. 29267
+ 1 CC TO MR.P.PRABHAKARAN, ADVOCATE IN SR No. 29274

PMU
TE/PEK/ : 22/06/2016 : 2P/4C

C.R.P. (MD) No.539 of 2016
09.06.2016