

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1305 of 2017

D.G.Narasimhan

.. Petitioner

Vs.

1. Bhavani
2. Vijayaragavan @ Vijayan
3. Murugan
4. Venda
5. L.Srinivasan
6. L.Kumar
7. Latha @ Pushpa Latha
8. Kothandan
9. Ammu @ Dhanalakshmi

.. Respondents

(R2 to R9 were given up in
this civil revision petition)

Civil Revision Petition filed under Article 227 of the Constitution of India, to dispose E.A.No.109/2010 in E.P.No.50/2009 in O.S.No.144/2004 on the file of the learned District Munsif, Sholinghur, within the time limit fixed by this Hon'ble Court.

For Petitioner

: Mr.A.Gouthaman

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned District Munsif, Sholinghur, to dispose E.A.No.109/2010 in E.P.No.50/2009 in O.S.No.144/2004 within the time limit fixed by this Court.

2. The petitioner is the first respondent, first respondent is the applicant, respondents 2 to 9 are the respondents 2 to 9 in E.A.No.109 of 2010 in E.P.No.50 of 2009 in O.S.No.144 of 2004. The petitioner is the plaintiff, first respondent is the fourth defendant and respondents 2 to 9 are the defendants 2, 3 and 5 to 10 in O.S.No.144 of 2004. The first respondent filed E.A.No.109 of 2010 to pass an order that the decree in O.S.No.144 of 2004 dated 30.12.2005 as void and inexecutable, atleast as far as her 1/4th share in the scheduled mentioned property.

3. According to the petitioner, the suit was decreed on 30.12.2005. Against the same, the respondents filed A.S.No.62 of 2006 before the Sub-Court, Ranipet and the same was dismissed on 18.09.2007. Aggrieved over the same, the respondents filed S.A.No.569 of 2008 before this Court and the same was dismissed

on 24.04.2009. Challenging the same, the respondents filed S.L.P. before the Hon'ble Apex Court and the same was dismissed and the suit reached finality. The petitioner filed E.P.No.50 of 2009 for delivery of possession. Thereafter, the first respondent has filed E.A.No.109 of 2010 with false allegations stating that the decree obtained in O.S.No.144 of 2004 dated 30.12.2005 is void and inexecutable. The said application is pending for the past seven years. Therefore, he prays for early disposal of E.A.No.109 of 2010 in E.P.No.50 of 2009.

4. Heard the learned counsel appearing for the petitioner.

5. Having regard to the submissions made by the learned counsel for the petitioner, considering the limited prayer sought for in the civil revision petition and since the application in E.A.No.109 of 2010 is pending for the past seven years, without expressing any opinion with regard to the merits of the matter, I direct the learned District Munsif, Sholinghur, to dispose E.A.No.109 of 2010 in E.P.No.50 of 2009, on merits and in accordance with law, as expeditiously as possible, in any event, not later than two months from the date of receipt of a copy of this order.

6. The Civil Revision Petition is disposed of with the above direction. No costs.

14.06.2017

kj

To

The District Munsif, Sholinghur.

V.M.VELUMANI,J.

kj

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