

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

CORAM:

The Hon'ble Mr.Justice S.M.Subramaniam

C.R.P.(PD) No.131 of 2014

1. Rajagopal
2. Sarangapani

...Revision Petitioners

Vs.

Kaliyaperumal

...Respondent

Civil Revision Petition, filed under Article 227 of the Constitution of India, against the frequent adjournments granted in E.P.No.7 of 2010, in O.S.No.144 of 1985, on the file of the Principal Sub Court, Villupuram.

For Revision Petitioners : Mr.T.Sezhian

For Respondent : Mr.C.Prabakaran

ORDER

This Civil Revision Petition is filed by the defendants in O.S.No.144 of 1985, seeking for earlier disposal of the Execution Petition filed by them in E.P.No.7 of 2010, on the file of the Principal Sub Court, Villupuram.

2. The respondent/plaintiff filed a suit, in O.S.No.144 of 1985, for relief of declaration of title over the suit property and for possession, and also for certain directions. The suit was decreed by the Trial Court, vide a judgment and decree, dated 23.01.1987. Against the judgement and decree passed by the trial Court, first Appeal was preferred by the revision petitioners in A.S.No.55 of 1987 before the Lower Appellate Court, and the same was dismissed, vide judgement and decree dated 15.12.1988. Challenging the same, the revision petitioners filed Second Appeal before this Court, in S.A.No.1435 of 1990, and the same was allowed, by a judgment and decree dated 25.11.2001, and the suit was dismissed. Against which, the respondent/plaintiff filed a Special Leave Petition before the Hon'ble Supreme Court, in Civil Appeal No.5800 of 2002, and the same was also dismissed by judgment dated on 20.02.2009.

3. The learned counsel for the respondent submitted that, soon after the disposal of the first appeal, the respondent/plaintiff filed an Execution Petition, in E.P.No.59 of 1989, and taken possession of the suit property on 19.04.1990. Under these circumstances, the revision petitioners have filed present Execution Petition, viz., E.P.No.7 of 2010, and the same is pending for the past six years, without any progress. Hence, the present Civil Revision Petition is filed, seeking for early disposal of the same.

4. The grievance of the revision petitioners is that, though the matter went upto Supreme Court, a complete adjudication on the issues were over, the Trial Court ought to have disposed of E.P.No.7 of 2010 on merits and in accordance with law at the earliest point of time, but, it is pending for the past six years, without any progress. The endorsements made in the docket sheet relating to E.P.No.7 of 2010 filed in support of this Civil Revision Petition shows that, repeated adjournments were given without substantiating any reason. This Court is inclined to observe that, the practice of granting mechanical adjournments without assigning proper reasons by the Trial Court should be deprecated and the Courts must be cautious, while granting repeated adjournments without any valid reasons. Adjournments can never be granted as a matter of routine, and it has to be granted on reasons. The suit was initially filed in the year, 1985 and the matter went upto the Hon'ble Supreme Court, and it attained finality in the year 2009. Subsequently, Execution Petition was filed in the year, 2010, but, the same is pending for more than six years. Such being the factum of the case, this Court is inclined to allow this Civil Revision Petition with a direction, as prayed for by the revision petitioners.

5. Accordingly, the learned Principal Sub Judge, Villupuram, is directed to dispose of E.P.No.7 of 2010 in O.S.No.144 of 1985 as early as

possible, preferably, within a period of six months from the date of receipt of a copy of this order. The respective counsels undertake that their parties will co-operate for the early disposal of E.P.No.7 of 2010, before the Principal Sub Judge, Villupuram.

6. In the result, the Civil Revision Petition is allowed. No order as to costs.

09.02.2017

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To

The Principal Sub Judge,
Villupuram.

S.M.Subramaniam, J.

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