

HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP.NPD.No.1535 of 2017

Rajaraman

.. Petitioner

Vs.

1. M.Harikrishnan

2. H.Ranganayagi

3. H.Harikumar

4. H.Babu

5. H.Jothi

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif Cum Judicial Magistrate Court, Chengam to dispose of the execution petition in E.P.No.37 of 2012 in O.S.No.375 of 2000.

For Petitioner : Mr.S.Saravanan

ORDER

The petitioner has filed this Civil Revision Petition to direct the learned District Munsif Cum Judicial Magistrate Court, Chengam to dispose of the E.P.No.37 of 2012 in O.S.No.375 of 2000.

2. According to the petitioner, the petitioner filed a suit in O.S.No.375 of 2000 for recovery of money against the first respondent herein. The suit was decreed on 16.07.2003. The petitioner filed E.P.No.37 of 2012 on 27.05.2012 to execute the decree in O.S.No.375 of 2000. The said Execution Petition was adjourned from time to time for one reason or other from 2012 onwards. Hence, the petitioner has filed the present Civil Revision Petition before this Court to dispose of the said Execution Petition as expeditiously as possible.

3. The counsel for the petitioner would submit that the above said Execution Petition filed by the petitioner has been pending before the learned District Munsif Cum Judicial Magistrate Court, Chengam since 2012. The counsel for the petitioner also submitted that the petitioner is not able to recover money from the respondent due to the pendency of the above Execution Petition, and hence the present Civil Revision

Petition has been filed before this Court.

4. By considering the facts and circumstances of the case, it is seen that due to the pendency of the above Execution Petition, the petitioner could not enjoy the fruits of the decree. Without expressing any opinion on the merits of the case, I am inclined to direct the learned District Munsif Cum Judicial Magistrate Court, Chengam to dispose of E.P.No.37 of 2012 in O.S.No.375 of 2000 as expeditiously as possible, in accordance with law, preferably within a period of four months from the date of receipt of a copy of this Order.

5. The Civil Revision Petition is disposed of with the above direction.

26.04.2017

Index : Yes/No
Internet: Yes/No
lok

D.KRISHNAKUMAR.J.

lok

To

1. The learned District Munsif Cum
Judicial Magistrate Court,
Chengam

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