

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP.NPD.No.1550 of 2017

Radhakrishnan

.. Petitioner

Vs.

1. Raghuraman

2. Ranganthan

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Hon'ble Principal Subordinate Judge, Villupuram (Execution Court) to dispose of the E.A.No.218 of 2016 in E.P.No.353 of 2014 in O.S.No.36 of 2013.

For Petitioner : M/s.J.R.K.Bhavanantham

ORDER

The Petitioner has filed these Civil Revision Petitions to direct the learned Principal Subordinate Judge, Villupuram (Execution Court) to

dispose of the E.A.No.218 of 2016 in E.P.No.353 of 2014 in O.S.No.36 of 2013.

2. According to the petitioner, the decree was passed on 06.06.2014 and the petitioner filed an E.P.No.353 of 2014 in O.S.No.36 of 2013 for attachment and sale of four items of immovable properties at Keezhwalai Anniyur Village in execution of money decree for recovery of Rs.5,51,882/-. Ex parte attachment order was passed in the afore said E.P. At this stage, first respondent / third party, being son of Judgment Debtor filed an application in E.A.No.218 of 2016 under Order 21 Rule 58 CPC claiming title to the items 3 and 4 of petition mentioned property and E.A.No.219 of 2016 for raising the attachment. On 02.12.2016, the E.P. was adjourned on account of pendency of the aforesaid E.A.Nos.218 and 219 of 2016 and thereafter, adjourned from time to time, stating the same reason. Hence, the petitioner has filed the present Civil Revision Petition before this court to dispose of the aforesaid E.A.Nos.218 of 2016 in E.P.No.353 of 2014 in O.S.No.36 of 2013.

3. The learned counsel for the petitioner would submit that the second respondent has intentionally dragged on the above said E.P.

Proceedings, so that the the petitioner was refrained from getting the fruits of the decree passed in O.S.No.36 of 2013. The above mentioned application is pending for want of service on second respondent. Therefore, the petitioner has filed the present Civil Revision Petition before this court to dispose of the aforesaid E.A.No.218 of 2016 in E.P.No.353 of 2014 in O.S.No.36 of 2013.

4. Taking into consideration all the statements made by the learned counsel for the petitioner, without going into the merits of the case, the Principal Subordinate Judge, Villupuram is directed to dispose of the E.A.No.218 of 2016 in E.P.No.353 of 2014 in O.S.No.36 of 2013 as expeditiously as possible, on merits and in accordance with law.

5. Hence, the Civil Revision Petition is disposed of with the above directions. No costs.

27.04.2017

Index : Yes/No
Internet: Yes/No
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D.KRISHNAKUMAR.J.

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To
The Hon'ble Principal Subordinate Judge,
Villupuram

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27.04.2017

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