

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1626 of 2017

Mohanambal

.. Petitioner

Vs.

Muthunayagi ammali (died)

1.Chandrasekaran

2.Dhanasekaran

Dhatchinamoorthy (died)

3.Sundari

4.Vanajatchi

5.Kanniga

6.Saraswathi

7.Baby Usha

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to dispose E.P.No.24 of 2009 pending on the file of the learned District Munsif, Sriperumbudur, by taking all the coercive steps in executing the final decree in I.A.No.241 of 1992 in O.S.No.71 of 1976 by dispensing with the notice to any person.

For Petitioner

: Mr.R.Balachanderan

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned District Munsif, Sriperumbudur, to dispose E.P.No.24 of 2009, within a stipulated period of time.

2. The petitioner is the plaintiff and respondent is the defendant in O.S.No.71 of 1976. The suit is filed for preliminary decree of partition. This Court by judgment and decree dated 28.11.1988 passed a preliminary decree for partition and separate possession of 1/4th share in the suit property to the petitioner. Thereafter, the petitioner filed final decree application in I.A.No.241 of 1992. The said application was pending for more than 12 years and the final decree was passed by the District Munsif Court, Poonamallee, on 25.06.2004. The petitioner filed E.P.No.16 of 2005 on the file of the District Munsif Court, Poonamallee to execute the decree. In the said E.P., delivery was ordered and warrant was returned for want of police protection. Subsequently, the said E.P. was transmitted to the District Munsif Court, Sriperumbudur and it was renumbered as E.P.No.24 of 2009. Whiles, various third parties have filed number of claim petitions to drag on the

proceedings stating that they have purchased the property from the respondents. All the claim petitions filed by the third parties were dismissed on 18.04.2017. In such circumstances, the petitioner has come out with the present civil revision petition for early disposal of E.P.No.24 of 2009.

3. Heard the learned counsel appearing for the petitioner.

4. 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 execution petition is pending from 2009, without expressing any opinion with regard to the merits of the matter, I direct the learned District Munsif, Sriperumbudur, to dispose E.P.No.24 of 2009, on merits and in accordance with law, as expeditiously as possible, in any event, not later than 31st July 2017.

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

28.04.2017

Index :Yes/No

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Note: Issue order copy on 28.04.2017

V.M.VELUMANI,J.

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To

The District Munsif, Sriperumbudur.

C.R.P.(PD)No.1626 of 2017

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