

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE **M.GOVINDARAJ**

CRP.No.2366 of 2017

P.Bhaskran

...Petitioner/Respondent

..Vs..

P.Ashoka Anbarasu

...Respondent/Appellant

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to direct the Subordinate Judge's Court, Poonamallee to dispose the A.S.No.36 of 2015 in an expedite manner.

For Petitioner : Mr.M.Chidambaram

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the suit in the year 1996 for declaration and injunction. The suit was decreed on 19.11.2007. The petitioner has filed the Execution Petition in E.P.No.55 of 2008 on

<http://www.judis.nic.in> 15.09.2008. During the pendency of execution, the 2nd defendant has

filed an appeal on 23.12.2008, but it was numbered only in the year 2015 as A.S.No.36/2015. In the mean while, the third parties to the suit had filed EA.No.239/2009 in EP.No.55/2008, which was dismissed on 31.12.2009, as against which, one of the third parties, viz., Sivagamiammal filed CRP.No.269/2010 before this Court and the same was also dismissed on 17.09.2014. Against the dismissal of that order, one of the tenants viz., Mrs.E.Sivagami has preferred an appeal before Supreme Court of India in S.L.P.No.17520 of 2015 and the same was also dismissed. In view of the appeal filed by the 2nd defendant is pending, even after securing decree in the year 2007, learned counsel appearing for the petitioner would submit that the decree holder is not in a position to enjoy the fruits of the decree.

3. The appeal filed by the 2nd defendant is pending from 01.07.2015 without any progress. The matter is posted on 01.08.2017 under the caption of 'Await Records'. Therefore, the petitioner seeks early disposal of the appeal to enjoy the fruits of the decree.

4. Considering the facts and long pendency of the appeal without any progress from the year 2015, a direction is issued to the learned Judge, Sub-Court, Poonamallee, to dispose of A.S.No.36/2015 within a period of three months from the date of receipt of this order.

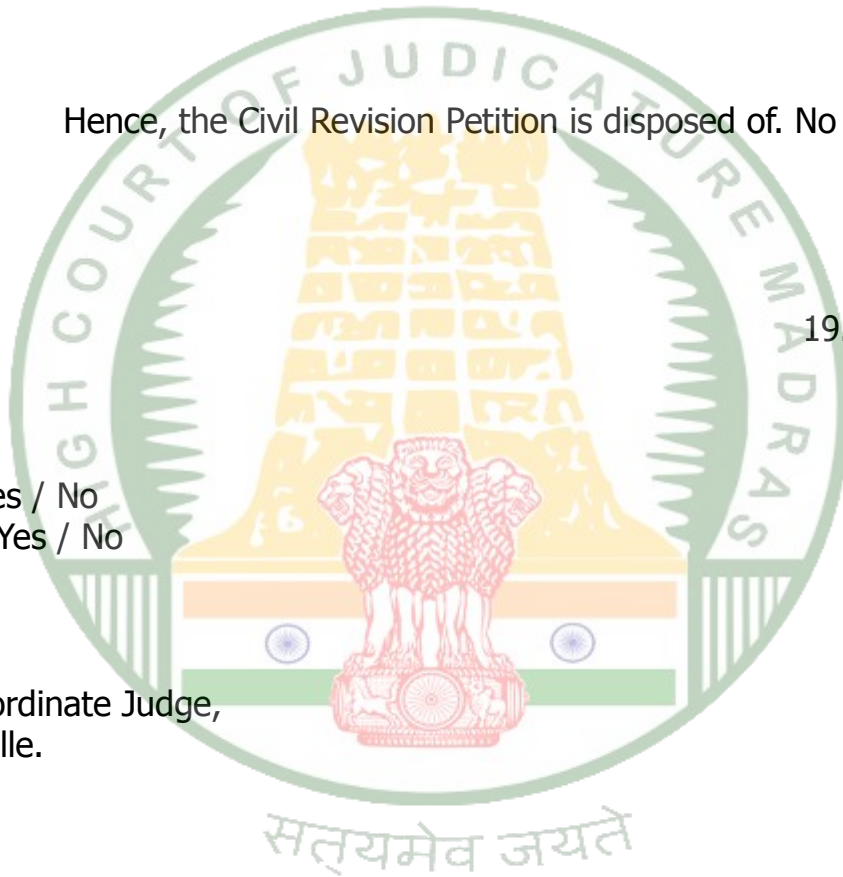
5. Hence, the Civil Revision Petition is disposed of. No cost.

19.07.2017

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Index :Yes / No
Internet:Yes / No

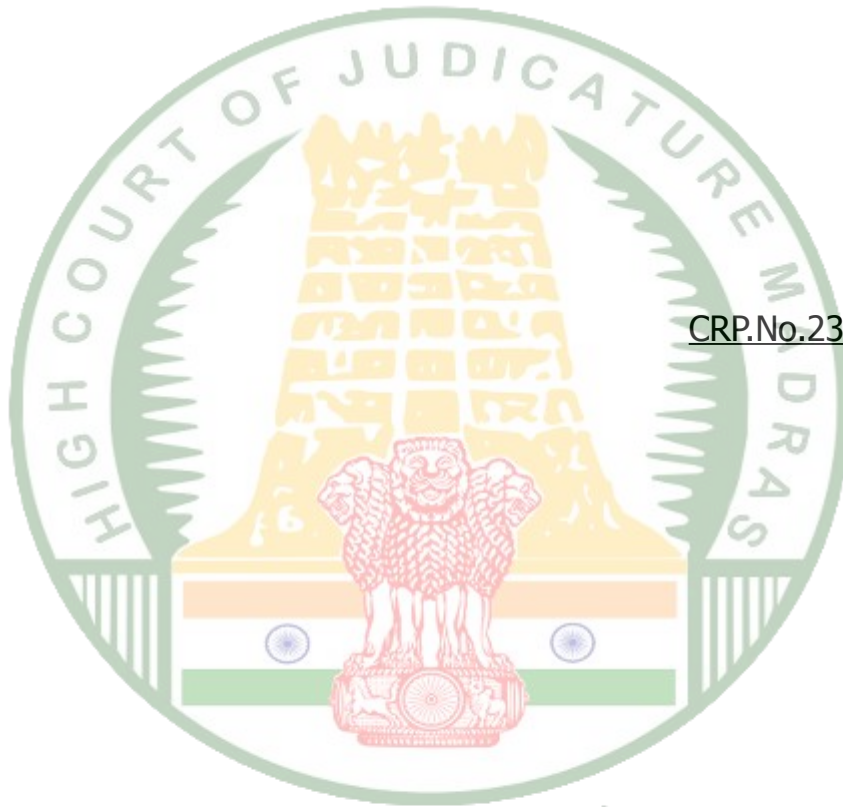
To
The Subordinate Judge,
Poonamalle.



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M.GOVINDARAJ,J.

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19.07.2017

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