

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.08.2017**

CORAM:

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

C.R.P(PD).No.2776 of 2017
and C.M.P.No.12771 of 2017

A.Manoharan @Doss

... Petitioner

Vs.

M.Balu @ Balan (Died)

1.Ganesh Pathy
2.R.Vijayakumari
3.Janardhanan
4.Ezilarasi

... Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Thiruvottiyur to dispose E.P.No.69 of 2014 in O.S.No.186 of 2013 on the file of District Munsif Court, Thiruvottiyur.

For Petitioner : M/s.P.C.Hari Kumar and Associates

ORDER

This Civil Revision Petition is directed against the long pendency of the Execution Petition on the file of District Munsif Court, Thiruvottiyur.

2. From the perusal of the docket entries, would go to show that the Execution Application in I.A No. 1427 of 2010 is pending for enquiry for long time. The Execution application was filed in the year 2014 is also pending without any progress.

3. The learned counsel for the petitioner would contend that even though, he has obtained a decree as early as on 02.12.2003. He could not see the light of the day. He would further submit that the judgment debtor has filed a petition to set-aside the *exparte* decree after delay of seven years.

4. The Execution Application cannot be kept pending, sine die till the disposal of the I.A No.1427 of 2010, to set aside the order in the suit. Considering the facts and circumstance of the case, and without going into merits of the case, a direction is issued to the District Munsif Court, Thiruvottiyur to dispose of the I.A. No. 1427 of 2010 in E.A No. 79 of 2010, within a period of one month, from the date of receipt of copy of this order.

5. With above observation, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

08.08.2017

Index : Yes/No
Internet : Yes/ No

kas/bsm

To.

The District Munsif Court
Tiruvottiyur



WEB COPY

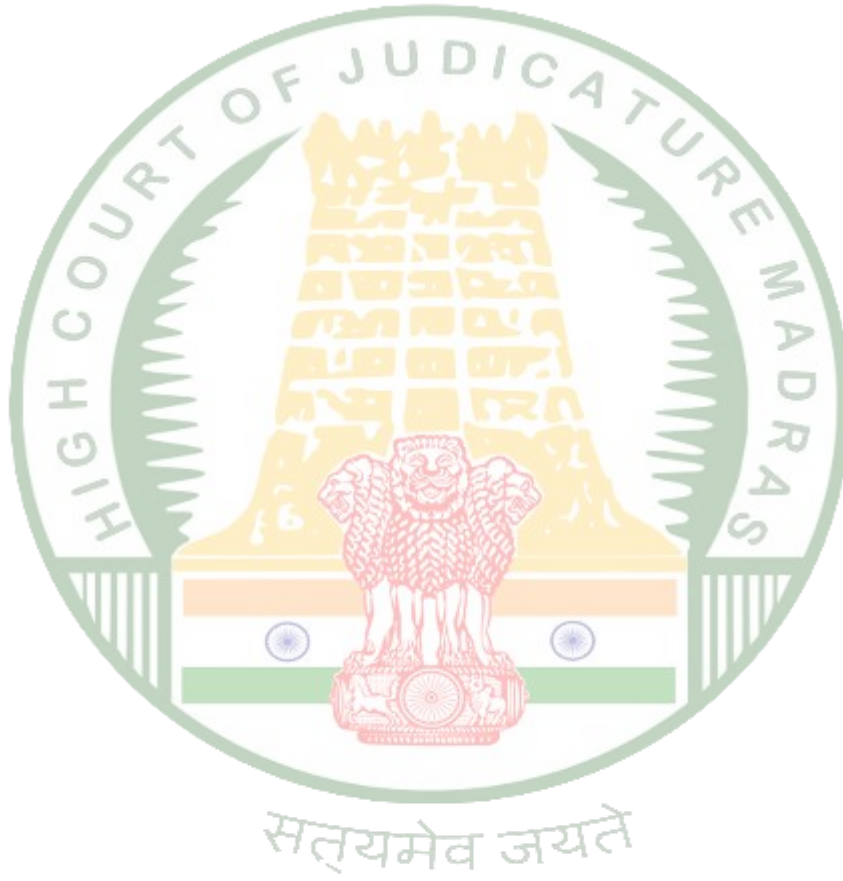
M.GOVINDARAJ.,J.

kas/bsm



C.R.P(PD).No.2776 of 2017
and C.M.P.No.12771 of 2017

WEB COPY



WEB COPY