

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 3995 of 2017

The Vaniyambadi Muslim
Educational Society
Vaniyambadi rep.by its
General Secretary
Janab Khaiser Ahmed Sahib

.. Petitioner

Vs

1. C. Said Alavi
2. K.R. Mohan

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the X Assistant Judge, City Civil Court, Chennai to dispose of the Execution Petition viz., E.P. No. 230 of 2014 expeditiously within a time frame as may be fixed by this Court.

For Petitioner : Mr.C.P. Sivamohan

ORDER

This Civil Revision Petition is filed seeking for a direction to the learned X Assistant Judge, City Civil Court, Chennai, to dispose of the

Execution Petition viz., E.P. No. 230 of 2014 expeditiously, within a time frame fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner society filed a suit in O.S. No.8614 of 2011 for eviction of the respondents from the suit property. The suit was decreed on 16.07.2013. Thereafter, an appeal suit was filed and the same was dismissed on 20.12.2014. Hence, the petitioner filed an execution petition in E.P. No.230 of 2014 for delivery of possession. As the 2nd respondent obstructed execution of warrant for delivery of possession, an Obstruction Petition was filed in E.A. No. 5659 of 2014 for removal of the obstructions and the said application was dismissed as not pressed on 18.09.2017. Thereafter, the E.P.No.230 of 2014 was posted on 09.10.2017 and again it was adjourned to 27.10.2017. During those hearings, there was no representation for the Judgement debtor. At this stage, the present civil revision petition has been filed before this Court.

3. According to the petitioner, although the petitioner obtained the decree for eviction during the year 2013 and the E.P. No.

230 of 2014 was filed in the year 2014, the petitioner society was unable to execute the same for the past four years. Hence, the petitioner prays this Court to direct the court below to dispose of the execution petition within a time framed fixed by this Court.

4. Taking into consideration the facts of the case and the submission of the learned counsel for the petitioner, this Court is inclined to direct the trial court to dispose of the execution proceedings in E.P. No. 230 of 2014, in accordance with law, if there is no other legal impediment, as expeditiously as possible, 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. No order as to costs.

06.11.2017

Speaking order/ Non speaking order

Index: Yes/ No

[Issue order copy within one week]

avr

D. KRISHNAKUMAR J.,

avr

To

The X Assistant Judge,
City Civil Court,
Chennai.



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