

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.NPD.No.4173 of 2017

D.Janarthanam

..Petitioner

Vs.

M.Ezra Sargunam

..Respondent

**PRAYER:**

The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif, Tambaram to dispose of the E.P.No.21 of 2004 in O.S.No.29 of 1995 within a period of stipulated time.

For petitioner : Mr.E.P.Senniyan Giri

**ORDER:**

According to the revision petitioner, the revision petitioner has filed a suit in OS.No.29 of 1995 seeking permanent injunction against the respondent herein. Thereafter, ex-parte

order was passed on 21.12.1998 against the respondent. At the instant of the respondent, ex-parte order was set aside and the main matter was taken up for hearing. Thereafter, again ex-parte decree was passed on 11.09.2002. Subsequently, an application has been filed to set aside the ex-parte decree, which was dismissed. Challenging the aforesaid order, an appeal in CMA.No.29 of 2003 was filed by the respondent and the same was also dismissed. Hence, the ex-parte decree has become final. Pursuant to that, the respondent took an appeal against the aforementioned order by way of filing Civil Revision Petition in CRP.No.2864 of 2016 before this Court and the same was dismissed. Now, the petitioner has filed an execution petition in EP.No.21 of 2004 in OS.No.29 of 1995 on 01.10.2004 and the same is pending before the District Munsif Court, Tambaram. Therefore, the petitioner has filed the present Civil Revision Petition before this Court to dispose of the aforesaid EP.

2. Perusal of the suit extract would disclose that the case has been posted on various dates for production of stay order. As such, the EP has not been disposed of so far. Taking into consideration of the above said fact, this Court is inclined to direct the executing court to dispose of the above EP as expeditiously as

possible.

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

16.11.2017

Speaking/Non-speaking order

Index : Yes/No

Internet: Yes/No

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**D.KRISHNAKUMAR. J,**

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To

The learned District Munsif,  
Tambaram



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