

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

Tr.C.M.P.No.223 of 2017 &
C.M.P.No.3988 of 2017

Velmurugan

... Petitioner

vs.

R.Chinnaraj

... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer the R.E.P.No.5 of 2015 in O.S.No.63 of 2010 pending on the file of the learned District Munsif, Pochampalli, Krishnagiri District to the learned Subordinate Judge, Uthangarai, Krishnagiri District.

For Petitioner: Mr.S.Mohan
for Mr.Kannadasan

O R D E R

The decree holder in R.E.P. No.5 of 2015 in O.S.No.63 of 2010, on the file of District Munsif Court, Pochampalli, Krishnagiri District has filed the above Tr.C.M.P. to withdraw and transfer the R.E.P. No.5 of 2015 to the Subordinate Court, Uthangarai, Krishnagiri District.

2.The learned counsel appearing for the petitioner fairly submitted that the petitioner is not insisting on the transfer of the Execution Petition to the Subordinate Court, Uthangarai and that it would be suffice to direct the Subordinate Court, Krishnagiri to dispose of the appeal in A.S.No.1 of 2016 filed by the respondent-Judgment Debtor within a time frame. The learned counsel submitted that as against the decree passed in O.S.No.63 of 2010, the petitioner filed an Execution Petition in R.E.P. No.5 of 2015 and without challenging the judgment and decree passed in O.S.No.63 of 2010 on the file of District Munsif Court, Pochampalli, the respondent filed the appeal as early as on 27.8.2012 and got it numbered only in the year 2016. The learned counsel submitted that in view of long pendency of the proceedings, the decree holder is put to hardship and prejudice.

The learned counsel submitted that in these circumstances, the Lower Appellate Court may be directed to dispose of the appeal within a time frame. That apart, the learned counsel also submitted that the Lower Appellate Court had received the record from the Trial Court and the matter is ripe for argument.

3. In view of the submissions made by the learned counsel for the petitioner, taking into consideration the limited prayer sought for by the learned counsel, without going into the merits of the matter, I direct the Subordinate Court, Krishnagiri to dispose of the appeal in A.S.No.1 of 2016, on merits and in accordance with law, on or before 29.04.2017 and report the same to the Registry of this court.

With this observation, the Tr.C.M.P. is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

- 1.The District Munsif,
Pochampalli,
Krishnagiri District.
- 2.The Subordinate Judge,
Uthangarai,
Krishnagiri District.
- 3.The Subordinate Judge,
Krishnagiri.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.14671

EV(CO)
RS(09/03/2017)

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