



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)No.1705 of 2017

Gowri Vallavan Servai (Died)

1.Balashanmugam

2.Muthurakku

3.Suriyagandhi

Rathinammal (Died)

4.Annamalai

5.Sivalingam

6.Muthuramalingam

... Petitioners

vs.

V.Subramanian Servai (Died)

V.S.Periyasamy Servai (Died)

Arumugam (Died)

1.Ramachandran

2.K.Krishnammal

3.K.Saradhamaniammal

S.Kasi Servai (Died)

4.Kothaiammal

5.Pushparajamani

6.A.Visalatchi

7.A.Andisamy

8.A.Ganapathy

9.A.Mohan

10.A.Lakshmi

11.A.Malliga

12.A.Selvi

13.V.S.P.Sivan

14.V.S.P.Balashanmugam

15.V.S.P.Murugan

16.Muthurakku

17.Sundravalli

18.Panchavarnam

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the Learned District Munsif, Savagangai to expedite the proceedings and pass orders in E.P.No.1 of 2014 in O.S.No.321 of 1982 within a time frame as fixed by this Court.

**ORDER**

This revision petition has been filed seeking a direction to the learned District Munsif, Savagangai to expedite the proceedings and pass orders in E.P.No.1 of 2014 in O.S.No.321 of 1982 within a time frame as fixed by this Court.

2. The petitioner would aver among other things that the petitioner's father filed a suit in O.S.No.321 of 1982 before the learned District Munsif Court, Sivagangai, seeking the relief of declaration and permanent injunction against the respondents herein and the said suit was decreed on 29.01.1991, against which, the respondents herein filed A.S.No.121 of 1992 and the same was also dismissed on 30.11.1994.

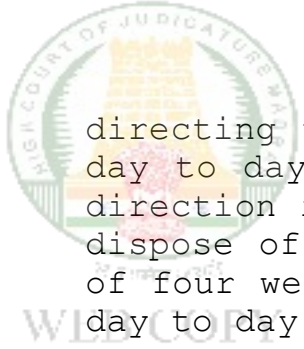
3. Aggreived by the same, the respondents herein filed a Second Appeal in S.A.No.261 of 1997 before this Court and the same was also dismissed for non-prosecution on 25.04.2011. Subsequently, the Second Appeal was restored to the file of this Court and the same was listed for final hearing on 14.03.2017. On that day also, the respondents have not prosecuted the case and therefore, S.A.No.261 of 1997 was dismissed again for non-prosecution on the same day. Till now, the respondents are not taking effective steps to restore the Second Appeal and they have not come forward to conduct the case.

4. The petitioner would further aver that the petitioner and others filed a execution petition in E.P.No.1 of 2014 before the learned District Munsif Court, Sivagangai to execute the decree passed in O.S.No.321 of 1982, in which some of the respondents herein filed an Execution Application claiming right over the suit property.

5. The learned counsel for the petitioner would submit that the Execution Application has been filed by the subsequent purchasers for purchasing the property pending suit. According to the petitioner, some way or other the respondents are prolonging the matter and now the third generations are dealing with the case and therefore, prayed for early disposal of the Execution Petition on day to day basis.

6. Since it is only a petition for early disposal of the Execution Petition filed in the Original Suit and the said suit is pending from 1982 onwards, no notice is necessary to the respondents herein.

7. It is very unfortunate that the suit is pending from the year 1982 onwards and the respondents are prolonging the matter and the matter is pending for nearly 2 decades. Considering the same, this Court feels that ends of justice would be met by



directing the Court below to dispose of the Execution Petition on day to day basis. Without advertting to the merits of the case, a direction is issued to the learned District Munsif, Savagangai, to dispose of E.P.No.1 of 2014 in O.S.No.321 of 1982 within a period of four weeks from the date of receipt of a copy of this order on day to day basis.

With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Savagangai.

+ 1 CC TO Mr.N.SATHEESH KUMAR, ADVOCATE IN SR No. 83369

CM

TE/GT/SAR-I : 09/11/2017 : 3P/3C

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