

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 23.10.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**CRP(PD) (MD) No.1771 of 2017**

S.Mohammed Adam

... Petitioner

vs.

Balasubramanian

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the Learned Rent Controller to dispose the E.P.No.32 of 2016 in R.C.O.P.No.7 of 2013 on the file of the Rent Controller (Principal District Munsif Court) Tirunelveli expeditiously within a time limit fixed by this Court.

For Petitioner : Mr.S.P.Maharajan

O R D E R

This revision petition has been filed to direct the Rent Controller to dispose E.P.No.32 of 2016 in R.C.O.P.No.7 of 2013 on the file of the Rent Controller (Principal District Munsif Court), Tirunelveli expeditiously within a time limit fixed by this Court.

2.The learned counsel for the petitioner would aver that the petitioner has filed the petition for eviction in R.C.O.P.No.7 of 2013 on the file of the Rent Controller(Principal District Munsif Court), Tirunelveli as against the respondent herein and the respondent has not chosen to appear in the proceedings and eviction order was passed on 18.06.2013 itself. The respondent had neither preferred any application to set aside the ex-parte decree nor preferred any statutory appeal as against the said order till date and the eviction order dated 18.06.2013 has become final. The petitioner has filed the Execution Petition in the year 2016 itself and the said petition is kept pending for one reason or other.

3. The learned counsel for the petitioner would submit that though the petitioner's argument was heard as early as on 25.01.2017 and the matter has been posted as last chance for the respondent's argument nearly 5 times, the respondent was not present and therefore, aggrieved over the same, the petitioner has come forward with this Civil Revision Petition for early disposal of E.P.No.32 of 2016 in R.C.O.P.No.7 of 2013 on the file of the Rent Controller (Principal District Munsif Court) Tirunelveli, which is pending for one year.



4. Since it is only a petition for early disposal of the Execution Petition which is pending from 2016 onwards, no notice is necessary to the respondent herein.

5. Considering the fact that Execution Petition is pending from the year 2016 and the eviction order was passed as early as on 2013, this Court feels that ends of justice would be met by directing the Court below to dispose of the execution proceedings within a time frame. Accordingly, without advertting to the merits of the case, a direction is issued to the learned Rent Controller (Principal District Munsif Court) Tirunelveli, to dispose of E.P.No.32 of 2016 in R.C.O.P.No.7 of 2013 within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Rent Controller , (Principal District Munsif Court),
Tirunelveli.

+1cc to M/S.S.P.MAHARAJAN, Advocate SR.No.83132.

CRP(PD) (MD)No.1771 of 2017
23.10.2017

cm

SDS/MR:KKR/SAR 2/07.11.2017/2P/3C