



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2279 of 2017

S.Jagadeesan ... Petitioner/Decree Holder/Plaintiff

-Vs-

D.Rani ... Respondent/Judgement Debtor/Defendant

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India to direct the learned Sub-ordinate Judge, Trichirappalli to dispose of E.P.No.283 of 2010 in O.S.No.393 of 2004 within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Govindarajan

O R D E R

This Civil Revision Petition has been filed to direct the learned Sub-ordinate Judge, Trichirappalli to dispose of E.P.No.283 of 2010 in O.S.No.393 of 2004 within a time frame that may be fixed by this Court.

2. The petitioner would aver among other things that the suit in O.S.No.393 of 2004 was filed for specific performance of an agreement as against the respondent herein. The learned Subordinate Judge, Trichirappalli has decreed the suit as prayed for. Aggrieved by the judgment and decree, the defendant preferred A.S.No. 103 of 2009. During the pendency of the appeal, the petitioner/plaintiff has filed an Interlocutory Application in I.A.No.31 of 2010 to receive the copy of the ale deed executed in favour of the respondent/plaintiff. The lower Appellate Court has dismissed the Appeal Suit along with the Interlocutory Application. Against which, Second Appeal in S.A.(MD) No. 60 of 2011 was filed. During the pendency of the Second Appeal, compromise entered into between the parties and in view of the Joint Compromise Memo, the Second Appeal was disposed of by this Court by an order dated 14.12.2016.

3. In view of the compromise, the petitioner is entitled to execute the decree and therefore, the petitioner has filed an Execution Petition in E.P.No.283 of 2010 and the same was adjourned frequently from 19.07.2010 till today without any



reason. Therefore, the petitioner has come forward with the present revision for early disposal of the above Execution Petition.

4. Since this Civil Revision Petition is filed for early disposal of the Execution Petition, no notice is necessary to the respondent.

5. Though eviction order was passed on 26.06.2008, the petitioner is not able to get possession and he has filed Execution Petition and no orders has been passed in the Execution Petition.

6. Considering the above stated facts and circumstances of the case and considering the fact that eviction order was passed in the year 2016 till now the petitioner is not able to get possession of the property, this Court feels that ends of justice would be met by directing the Court below to dispose of the Execution Petition within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Sub-ordinate Judge, Trichirappalli to dispose of E.P.No.283 of 2010 in O.S.No.393 of 2004 within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The Sub-ordinate Judge, Trichirappalli .

2. Do Thro' The Principal District Judge,
Trichirappalli.

+ 1 cc TO Mr.K.Govindarajan , Advocate in SR No. 91067

CM

AE/SKN RSK/SAR1/15.12.2017/2P/4C

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