



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2343 of 2017

R.S.Vaiyapuri

... Petitioner/Petitioner/Plaintiff

-Vs-

K.P.Ramasamy

... Respondent/Respondent/Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of a direction, to direct the learned Additional Subordinate Judge, Karur to dispose the Execution Petition in E.P.No.10 of 2016 in O.S.No.110 of 2012 within a stipulated time frame as fixed by this Court.

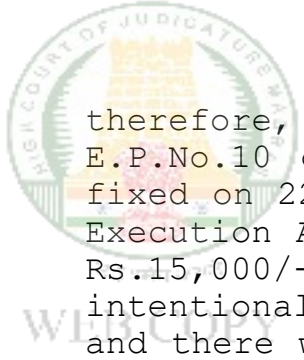
For Petitioner : Mr.V.Muthukamatchi

O R D E R

This Civil Revision Petition has been filed seeking a direction to dispose the Execution Petition in E.P.No.10 of 2016 in O.S.No.110 of 2012 on the file of the learned Additional Subordinate Judge, Karur within the time prescribed by this Court.

2.The learned counsel for the petitioner would aver among other things that the petitioner has filed the suit in O.S.No.110 of 2012 before the Additional Subordinate Judge, Karur on the basis of Promissory Note for a sum of Rs.3,47,100/- with subsequent interest and the respondent has failed to file a written statement and he was set ex-parte in the said suit. The petitioner has filed Execution Petition in E.P.No.111 of 2013 before the learned Additional Subordinate Judge, Karur. Thereafter, the respondent / defendant has filed a petition to set aside the ex-parte order in I.A. No.304 of 2014 before the learned Additional Subordinate Judge, Karur and the same was dismissed on 25.11.2014. Subsequently, the respondent has not filed any appeal against that order and therefore, the order has become final. Subsequently, the respondent came to settlement and based on the settlement, the petitioner has not pressed the Execution Petition in E.P.No.111 of 2013 on 22.06.2015 stating that the respondent has come forward with amicable settlement.

3. The learned counsel would further aver that unfortunately, the respondent did not keep up his words and



therefore, the petitioner has filed a Execution Petition in E.P.No.10 of 2016. In the above said Execution Petition, sale was fixed on 22.02.2017 and on that day itself the respondent has filed Execution Application for postponement of Sale by payment of sum of Rs.15,000/-, Rs.20,000/- as part satisfaction. The respondent is intentionally dragging on the matter by paying very meagre amount and there was no progress in Execution Petition and the petitioner is aged about 74 years and the Execution Petition was filed for a sum of Rs.4,19,100/-. Hence, the petitioner has sought for early disposal of the Execution Petition.

4. Since a direction for early disposal of the Execution Petition is passed, no notice is necessary to the respondent herein.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is a senior citizen aged about 74 years and the suit is of the year 2012, 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 Additional Subordinate Judge, Karur to dispose the Execution Petition in E.P.No.10 of 2016 in O.S.No.110 of 2012 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. 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 Additional Subordinate Judge,
Karur.

+ 1 CC TO Mr/s.V.MUTHU KAMATCHI, ADVOCATE IN SR No. 91909

CM

TE/SKN-RSK/SAR-4 : 19/12/2017 : 2P/3C

C.R.P. (MD) No.2343 of 2017
11.12.2017