



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2365 of 2017

WEB COPY

Sadhasivam and Katha Perumal Pillai
Chathiram Trust represented by its Trustees

- 1.Sadhasivam
- 2.Renganathan

... Petitioners/Petitioners/Plaintiffs
-Vs-

- 1.Ramu
- 2.Anbalagan
- 3.Ramachandran
- 4.Balan

5. The District Collector,
District Collector Office,
Trichy-1, Trichy District.

6. The Tahsildar,
Bharathidasan Salai,
Trichy, Presently at
Taluk Office, Srirangam,
Trichy, Trichy District.

7. The Executive Authority Commissioner,
Trichy City Corporation, Trichy-1.

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of a direction, to direct the learned 1st Additional District Munsif, Trichy to dispose the execution petition in E.P.No.127 of 2014 in O.S.No.274 of 2004 on the file of said Court, within a stipulated period as may fixed by this Court.

For Petitioners : Mr.R.Sundar

O R D E R

This Civil Revision Petition has been filed seeking a direction to dispose of the execution petition in E.P.No.127 of 2014 in O.S.No.274 of 2004 on the file of the learned I Additional District Munsif Court, Trichy within the time prescribed by this Court.

2.The learned counsel for the petitioner would aver among other things that the suit in O.S.No.274 of 2004 has been filed before the learned District Munsif, Trichy, for declaration that



the suit lane belongs to the petitioners and for consequential mandatory injunction directing the defendants to alter or modify or correct the entries in the revenue and corporation records in regard to the suit lane by including the name of the petitioner as owners. On 5.11.2007, the suit was decreed. Against the said decree and judgment, no appeal has been filed and the said decree has become final and the petitioners filed Execution Petition in E.P.No.127 of 2014 before the I Additional District Munsif, Trichy and they have prayed before the Execution Court to execute the said decree passed on 05.11.2007 and the Execution Petition is pending before the court without any satisfactory progress and therefore, the petitioner has come forward before this Court with a prayer for early disposal.

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

4. It is seen from the records that the suit is of the year 2004 and the Execution Petition has been filed as early as on 2014 and no appeal has been pending against the decree. It appears that E.A.No. 97 of 2016 is pending to recall the warrant issued by the execution court and due to that the proceedings are dragged on.

5. Considering the above stated facts and circumstances of the case and considering the fact that the Execution Petition is pending from the year 2014, 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 I Additional District Munsif Court, Trichy, to dispose of E.P.No.127 of 2014 in O.S.No.274 of 2004 on merits and in accordance with law within a period of four months 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(AE)

/True Copy/

Sub Assistant Registrar

To,

The I Additional District Munsif Court, Trichy.

+1cc to Mr.R.Sundar, Advocate Sr.No.91903

CM

VB/SV/MMS/SAR4/09/01/2018/2P/3C