



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

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WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2506 of 2017

R.Narasimmalu ... Petitioner/Petitioner/Complainant

-Vs-

1.K.R.Construction
Through its proprietor,
St.Francio Matriculation,
Munisif Court Road,
Tirumangalam,
Madurai District.

2.K.Ramasamy,
St.Francio Matriculation,
Munsif Court Road,
Tirumangalam,
Madurai District.

... Respondents/Respondents/
Opposite parties

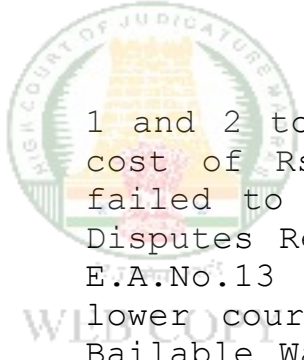
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the District Consumer Disputes Redressa Forum, Madurai to dispose of E.A.No.13 of 2015 in C.C.No. 190 of 2011 within the time framed as fixed by this Court.

For Petitioner : Mr.V.Sriram

ORDER

This Civil Revision Petition has been filed seeking a direction to the District Consumer Disputes Redressa Forum, Madurai to dispose of E.A.No.13 of 2015 in C.C.No. 190 of 2011 within the time fixed by this Court.

2.The learned counsel for the petitioner would aver among other things that the petitioner entered into construction agreement with the respondents and they accepted to construct the building with specific condition. But the respondent did not apply the specification given by the petitioner and therefore, the petitioner filed C.C.No.190 of 20011 for compensation of Rs.5 lakhs for deficiency in service, mental agony and pain before the District Consumer Disputes Redressal Forum, Madurai. The complaint was allowed by the said Forum with a direction to the respondents



1 and 2 to pay Rs.4 lakhs as compensation to the petitioner with cost of Rs.5,000/- and 6% interest in 2015. The respondent has failed to comply with the order passed by the District Consumer Disputes Redressal Forum, Madurai. Therefore, the petitioner filed E.A.No.13 of 2015 and thereafter, they never appeared before the lower court in person and therefore, the lower court issued Non Bailable Warrant on 13.10.2015 and thereafter also, the respondent has not appeared before the court and he was arrested by Thirumangalam Police on 24.12.2015 and he himself executed own surety bond for his release. Thereafter, on several hearings, the respondent has not appeared before the Court and therefore, Execution Application in 13 of 2015 is pending for more than two years.

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

5. Considering the facts and circumstances of the case and considering the fact that the Execution Application is pending from the year 2015, this Court feels that ends of justice would be met by directing the Court below to dispose of the Execution Application within a time frame. Without advertting to the merits of the case, a direction is issued to the District Consumer Disputes Redressal Forum, Madurai, to dispose the Execution Application in E.A.No.13 of 2015 in C.C.No. 190 of 2011 on merits and in accordance with law within a period of two 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(crl side)

/True Copy/

Sub Assistant Registrar

To,

The Presiding Officer,
District Consumer Disputes Redressal Forum,
Madurai.

+1cc to Mr.V.Sriram, Advocate Sr.No.93923

CM

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

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20.12.2017