



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.441 of 2017 (PD)

M.Chellapandy

...Petitioner/Petitioner/3rd Party/
3rd Party

Vs.

M.Karuppiah (Died)

1.Krishnan Asari

...1st Respondent/Respondent/
Respondent/Defendant

2.Selvi Rani

3.Deepak

4.Dinesh

5.Sangammal

... 2 to 5 Respondents/Respondents/
3rd Party/3rd Party

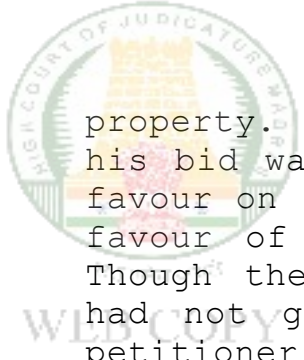
PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the III Additional Sub-Court, Madurai to expedite the proceedings in E.A.No.265 of 2009 in E.P.No.192 of 2006 in O.S.No.748 of 2002, within a time frame as fixed by this Court.

For Petitioner : Mr.N.Satheesh Kumar

ORDER

The petitioner has filed this Civil Revision Petition to direct the III Additional Sub-Court, Madurai to expedite the proceedings in E.A.No.265 of 2009 in E.P.No.192 of 2006 in O.S.No.748 of 2002, within a time frame as fixed by this Court.

2. The deceased Karuppiah was the plaintiff and the first respondent is defendant in the suit. The respondents 2 to 5 are the legal heirs of Karuppiah. The deceased Karuppiah filed suit in O.S.No.748 of 2002 against the first respondent before the III Additional Sub Court, Madurai for the relief of mortgage decree to realize the loan amount of Rs.75,000/- borrowed by the first respondent. By the judgement and decree, dated 23.04.2003 a preliminary decree was passed and on 06.10.2005 a final decree was passed for bringing the mortgage property for sale to realize the loan amount of Rs.1,53,883.50/-. The plaintiff filed Execution Petition in E.P.No.192 of 2006 to auction the mortgage



property. In the above auction, the petitioner participated and his bid was accepted by the Court and sale was also taken in his favour on 13.10.2008. On 17.12.2008 the said sale was confirmed in favour of the petitioner and sale certificate was also issued. Though the property was purchased on 13.10.2008, the petitioner had not given with possession of the property. Therefore, the petitioner filed E.A.No.265 of 2009 to remove the obstruction and for handing over the possession of the property to him. From 30.04.2009 the E.A., is adjourned periodically till 24.06.2016 without any progress. In the circumstances, the petitioner has come out with the present Civil Revision Petition for early disposal of E.A.No.262 of 2009 in E.P.No.192 of 2006 in O.S.No.748 of 2002.

3.I have heard the learned counsel appearing for the petitioner and also perused the entire materials on record.

4.Taking into consideration the material facts and circumstances, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the learned III Additional Sub Judge, Madurai.

5.Accordingly, this Civil Revision Petition is allowed and the learned III Additional Sub Judge, Madurai is directed to dispose of E.A.No.265 of 2009 in E.P.No.192 of 2006 in O.S.No.748 of 2002, as expeditiously as possible, in any event, not later than, 30th June, 2017. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The III Additional Subordinate Judge,
Madurai.

+1 cc to MR.N.SATHEESH KUMAR, Advocate SR.No.12255

C.R.P(MD)No.441 of 2017 (PD)
03.03.2017

SMA/SKN-RSK/14.03.2017:2P/3C