



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED**

C.R.P. (NPD) (MD) No.651 of 2017

A.Muppidadathi (died)  
1.A.Sudalaivadivoo  
2.M.Essakkimuthu  
3.M.Arunachalam

... Petitioner/Petitioner/  
LRs of Defendant/  
Cross Objector, decree holder

**Vs.**

Jabasthiyal Kannan

... Respondent/Respondent/Plaintiff/  
Respondent in Cross Objection

**PRAYER:** The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned District Munsif to dispose of the petition in E.P.No.174 of 2013 in O.S.No.595 of 2009 on the file of the Principal District Munsif Court, Tirunelveli, within a time limit fixed by this Court.

For Petitioners : Mr.T.Selvan

### **O R D E R**

This Civil Revision petition is filed to direct the learned District Munsif to dispose of the petition in E.P.No.174 of 2013 in O.S.No.595 of 2009 on the file of the Principal District Munsif Court, Tirunelveli, within a time frame.

2.On perusal of the proceedings in E.P.No.174 of 2013 in O.S.No.595 of 2009, the suit is filed for permanent injunction against the petitioners' father by the respondent and their father has also filed a cross objection in the said suit and the suit was decreed as prayed for and the cross objection was partly allowed and mandatory injunction was granted to remove the wall, which was encroached by the respondent. Aggrieved against the judgment of the Trial Court, respondent filed O.S.No.133 of 2012 which was dismissed and cross appeal filed by the petitioners' father was allowed. Hence, the father of the petitioners filed E.P.No.174 of 2013 in the said suit and the petitioners were impleaded as legal representatives of the deceased father and the said E.P.is pending



for more than four years without any progress. After hearing the arguments of the petitioners' side on 06.02.2017, the said E.P.is still pending for hearing the respondent without any progress.

3.Considering the facts and circumstances of the case, the Execution Court is directed to dispose of E.P.No.174 of 2013 in O.S.No.595 of 2009 within a period of one month from the date of receipt of a copy of this order and report the same to the Registry. Revision Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

**To**

The Principal District Munsif, Tirunelveli.

+ 1 CC TO Mr.T.SELVAN, ADVOCATE IN SR No. 18523

NBJ

TE/JC/SAR-II : 13/04/2017 : 2P/3C

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