



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2017

CORAM :

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WEB COPY

C.R.P. (MD) .No.755 of 2017

1. Sampathkumar

2. Srinivasan

...Petitioners/Petitioners/Plaintiffs
Vs.

Palaniyammal

...Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to order for the speedy disposal of the Execution Petition filed in E.P.No.155 of 2009 in O.S.No.155 of 2007 on the file of Sub Court, Pudukkottai and to allow this Civil Revision Petition.

For Petitioner : Mr.G.Sridharan

ORDER

The revision petitioner seeks indulgence of this court for disposal of the E.P.No.155 of 2009 pending on the file of Sub Court, Pudukkottai,

2. The Dairy Extract indicates that the counter in Execution Petition was filed on dated 29.09.2011. Thereafter pursuant to filling of certain Interlocutory Applications and due to pendency of revision petition, the matter has been adjourned periodically for more than 2 years. The latest adjudication indicates that due to pendency of unnumbered civil revision petition, the case was adjourned, without any progress.

3. The learned counsel for the revision petitioner submits that a memo was filed by the respondent stating that C.R.P.(SR) No.39275 of 2015, is pending and therefore, the matter has been adjourned since 09.10.2015 and on verification, it is submitted by the counsel the revision petition is not yet numbered and there is no impediment for the Execution Court to proceed with the Execution Petition.

4. It is unfortunate that the decree which was passed on 01.04.2008 of April is not yet able to be executed even after the lapse of 9 years and atleast for the past 2 years citing unnumbered revision petition, the Execution Court has kept adjourning the matter without any progress and without ascertaining from the judgment debtor about the fate of the unnumbered revision petition. Therefore, the Execution Court is directed to dispose of Execution Petition within 3 months from the date of receipt of a copy of this order.



4. Hence, the Civil Revision Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS I)

/True Copy/

Sub Assistant Registrar

To
The Sub Court,
Pudukottai.

+1cc to Mr.G.Sridharan, Advocate, SR.51645

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