



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (MD) (PD) No. 771 of 2017

Y.Joseph Jesuraj ...Petitioner/Petitioner/Plaintiff

Vs.

Amutha ... Respondent/Respondent/Defendant

Prayer : Civil Revision Petition is filed Under Article 227 of the Constitution of India to direct to dispose the I.A.No.510 of 2015 in O.S.No.1042 of 2012 pending on the file of Principal Sub Court, Madurai, as expeditiously as possible.

For Petitioner : Mr.M.Gnanagurunathan

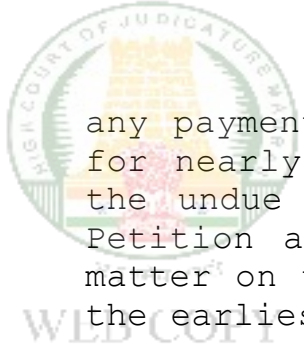
ORDER

The revision petitioner submitted that the suit against the respondent for recovery of money with subsequent interest and cost is pending before the Principal Sub Court, Madurai in O.S.No.1042 of 2012.

2.The petitioner herein submitted that pursuant to the preliminary decree passed on 09.03.2015, the respondent herein has to pay a sum of Rs.5,62,800/- (Rupees Five Lakhs Sixty Two Thousand Eight Hundred Only) with interest at 18% per annum on the principle amount of Rs.4,00,000/- (Rupees Four Lakhs Only) from the date of plaint till the date of realisation with cost. Three months time was granted for payment.

3.Despite the Preliminary Decree was passed as early as 09.03.2015, the respondent herein has not paid the decreetal amount. Further, the Interlocutory Application filed on 15.06.2015, in I.A.No.510 of 2015 is yet to be disposed of due to undue non co-operation of the respondent. Though, the matter was earlier referred to mediation, mediation efforts failed and enough time was granted to the respondent to put forth her case.

4.The revision petitioner has furnished the B-diary extract in I.A.No.510 of 2015 in O.S.No.1042 of 2015. Since it appears that already the respondent has submitted to the portion of the claim amount and suffers preliminary decree, even without making



any payment towards the Preliminary decree the matter is pending for nearly 5 years. The Court below is directed to take note of the undue delay caused in disposal of the suit of the Execution Petition arising out of a suit of the year 2012 and take up the matter on the priority basis and dispose of the same on merits at the earliest time.

5. With this direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal Sub Court Judge, Madurai.

+1cc to Mr.K.Samidurai, Advocate Sr.No.52462

mm/cp

vb/rsk/12.05.2017/2p/3c

**ORDER MADE IN
C.R.P (MD) (PD) No.771 of 2017
13.04.2017**