

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**C.R.P.(PD)No.1455 of 2018

P.Gyanchand ... Petitioner

Vs.

M.Karthikeyan ... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct for the early disposal of the pending execution petition in E.P.No.438 of 2016 in O.S.No.3372 of 2014 on the file of the X Assistant City Civil Court, Chennai.

For Petitioner : P.Sunil

ORDER

The civil revision petition has been filed seeking direction of this Court to the EP Court for speedy disposal of execution petition in E.P.No.438 of 2016 filed by the petitioner herein.

- 2** The revision petitioner filed a suit in O.S.No.3372 of 2014 before the XVII Assistant City Civil Court, Chennai, for recovery of money. The above said suit came to be decreed in favour of the revision petitioner by judgment and decree dated 23.07.2015.

Thereafter, the revision petitioner, who is a decree holder, since cannot enjoy the fruits of the decree, filed an execution petition in E.P.No.438 of 2016.

3 The learned counsel for the revision petitioner would submit that there is no progress in the execution proceedings, since 2016. Even though, the revision petitioner has got judgment in his favour as early as on 23.07.2015, till now the revision petitioner could not enjoy the fruits of the judgment. Hence the revision petitioner has come forward with the present civil revision petition seeking a direction for speedy disposal of execution petition.

4 Heard the learned counsel for the petitioner and perused the materials available on record.

5 On a perusal of the records it reveal that the suit is of the year 2014 and it was decreed on 23.07.2015 in favour of the revision petitioner/plaintiff. Since the revision petitioner could not enjoy the fruits of the decree, he filed an execution petition which was also pending from the year 2016 without any progress.

6 No doubt, prolonging and protracting the execution petition will certainly cause serious prejudice to the decree holder. Disposal of the case within the reasonable time is principles of natural justice and at any point of time, it should not be violated. Hence the concerned EP Court is directed to dispose of the execution petition in E.P.No.438 of 2016 in O.S.No.3372 of 2014 in accordance with law within a period of three months from the date of receipt of a copy of this order.

7 With the above observation and direction, the civil revision petition is disposed of. No costs.

07.06.2018

Internet: Yes/No

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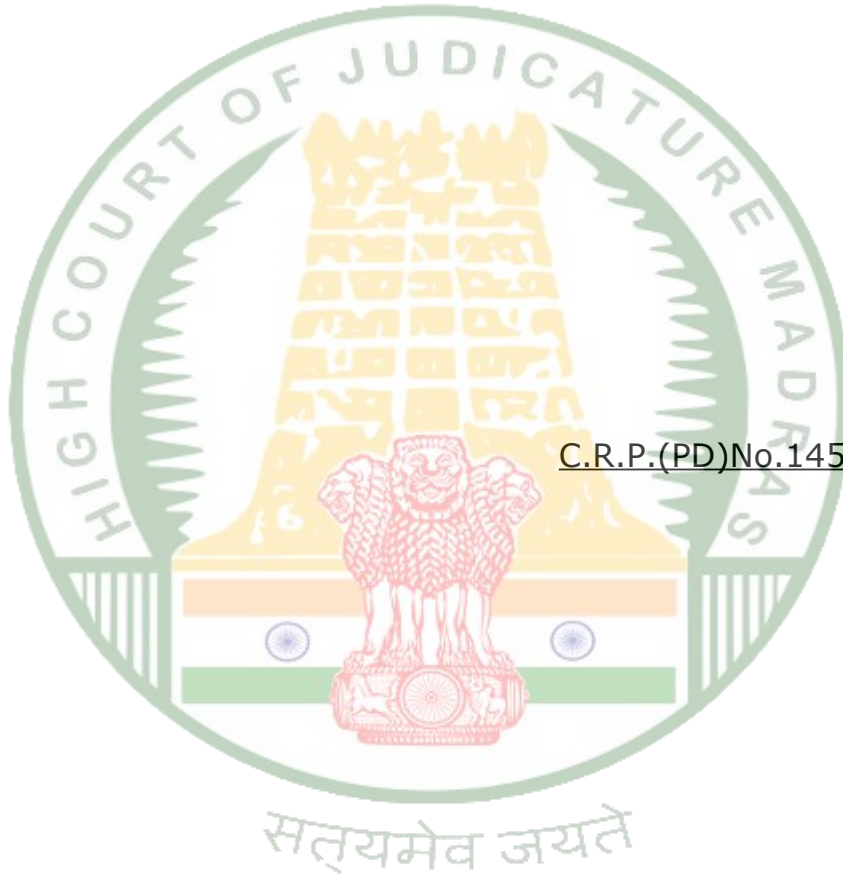
To

1. The X Assistant City Civil Court, Chennai.
2. The XVII Assistant City Civil Court, Chennai,

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P.VELMURUGAN, J.,

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