

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.1549 of 2018

A.Subatha Begum

... Petitioner

Vs.

1. B.M.Selvakumar
2. B.M.Karuppana Gounder
3. B.S.Chellappa Gounder
4. B.R.Muthusamy
5. M.Y.Abdul Razack

... Respondents

Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking for direction to the I Additional District and Sessions Judge, Tiruppur, to expeditiously dispose of the execution application in E.A.No.30 of 2017 in E.P.No.70 of 2010 in O.S.No.29 of 2003 within the time frame fixed by this Court.

For Petitioner : Mr.K.Myilsamy

ORDER

The civil revision petition has been filed seeking direction of this Court to the EP Court for speedy disposal of execution application in E.A.No.30 of 2017 in E.P.No.70 of 2010 in O.S.No.29 of 2003 pending on the file of the learned I Additional District and Sessions Judge,

Tiruppur.

2 The respondents 1 to 4 have filed a suit in O.S.No.29 of 2003 against the 5th respondent for specific performance, which came to be decreed in favour of the respondents 1 to 4/plaintiffs by judgment and decree dated 05.09.2007, in which they have also initiated execution proceedings in E.P.No.70 of 2010.

3 The learned counsel for the revision petitioner would submit that the revision petitioner filed a claim petition by way of execution application in E.A.No.30 of 2017 in E.P.No.70 of 2010 in O.S.No.29 of 2003 seeking to release her property from the execution proceedings, which is pending on the file of the learned I Additional District and Sessions Judge, Tiruppur. The learned counsel would further submits that the revision petitioner is the original owner of the suit property by virtue of settlement deed dated 12.01.2007 bearing document no.474 of 2007. But the respondents 1 to 4 have willfully not impleaded the revision petitioner as party to the suit. The revision petitioner is an illiterate and hence, she does not know about the suit and execution proceedings, when the moment, she came to know about the same, she immediately moved E.A.No.30 of 2017 seeking to

release her property from the execution proceedings. The respondents 1 to 4 have not shown any interest in contesting the execution application, they have only press the execution proceedings, since the judgment and decree was passed in their favour.

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 2003 and it was decreed on 05.09.2007. Since the revision petitioner being the affected party by the judgment and decree dated 05.09.2007 and also the respondents 1 to 4 have initiated execution proceedings, it is just and necessary to dispose of the execution application at the earliest.

6 No doubt, prolonging and protracting the execution application will certainly cause serious prejudice to the revision petitioner being the affected party. 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 application in E.A.No.30 of 2017 in E.P.No.70

of 2010 in O.S.No.29 of 2003 in accordance with law within a period of three months from the date of receipt of a copy of this order.

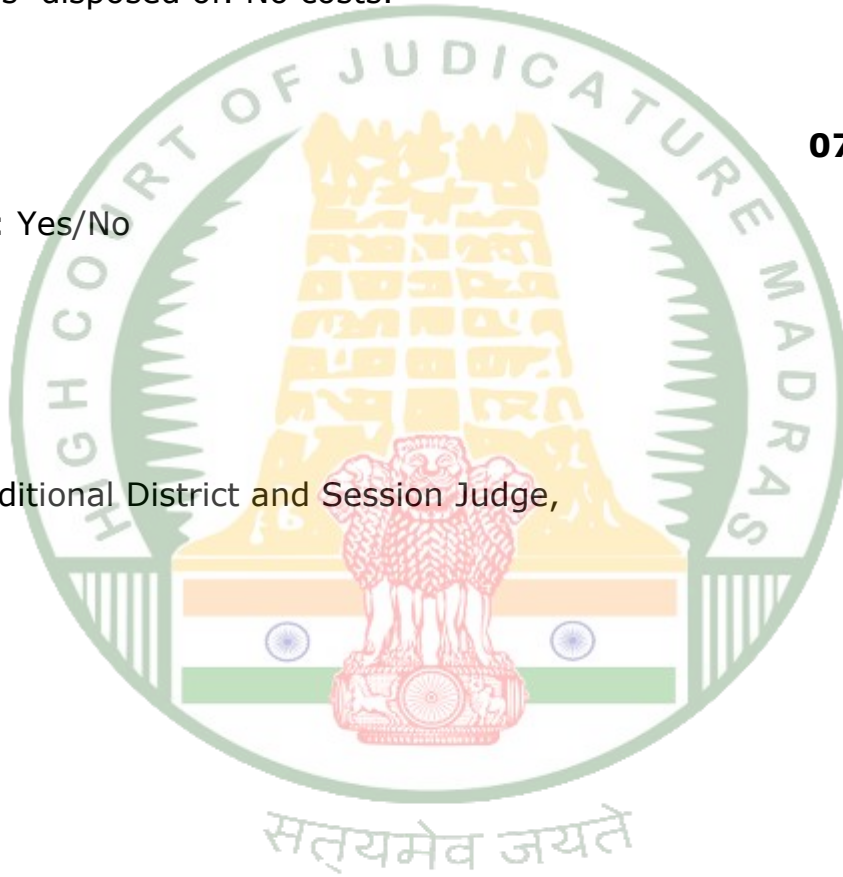
7 With the above observation and direction, the civil revision petition is disposed of. No costs.

07.06.2018

Internet: Yes/No
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To

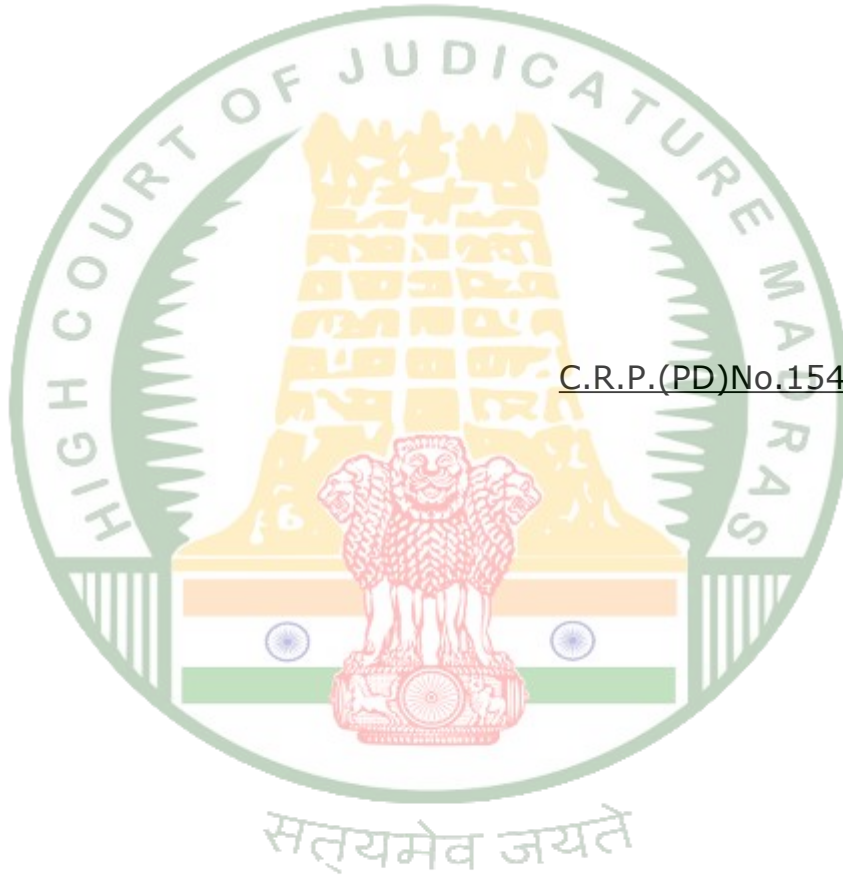
The I Additional District and Session Judge,
Tiruppur



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P.VELMURUGAN, J.,

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