

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2018

Coram:

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

C.R.P.(NPD)No.1600 of 2018

Prakash

... Petitioner

Vs.

1. Balambal
2. Bakthavatchalam
3. Ramalingam

... Respondents

Civil Revision Petition has been filed under Article 227 of the Constitution of India for direction to dispose of the E.P.No.28 of 2016 in O.S.No.152 of 1994 on the file of the Principal Subordinate Judge, Tindivanam.

For Petitioner : Mr.D.Ravichander

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.28 of 2016 in O.S.No.152 of 1994 filed by the petitioner herein.

सत्यमेव जयते

2 The revision petitioner filed a suit in O.S.No.152 of 1994 before the learned Principal Subordinate Court, Tindivanam, for specific performance. The above said suit came to be decreed in favour of the revision petitioner by judgment and decree dated 05.10.2001. Thereafter, the respondents/defendants filed an appeal in A.S.No.16 of

2003 before the Additional District Fast Track Court-I, Tindivanam, wherein, the judgment and decree of the trial Court was set aside by judgment and decree dated 05.11.2003. Aggrieved against the same the revision petitioner herein filed second appeal before this Court in S.A.No.387 of 2004, which was allowed by judgment and decree dated 13.03.2015 and the order of the trial Court in O.S.No.152 of 1994 was restored by setting aside the lower appellate court judgment and decree dated 05.11.2003. Thereafter, the revision petitioner initiated execution proceedings in E.P.No.28 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 in the original suit itself in the year of 2001, which was confirmed by this Court in S.A.No.387 of 2004 by judgment and decree dated 13.03.2015, 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 1994 and it was decreed in favour of the revision petitioner/plaintiff on 05.10.2001 and it was also confirmed by this Court in S.A.No.387 of 2004 by judgment and decree dated 13.03.2015. 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.28 of 2016 in O.S.No.152 of 1994 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

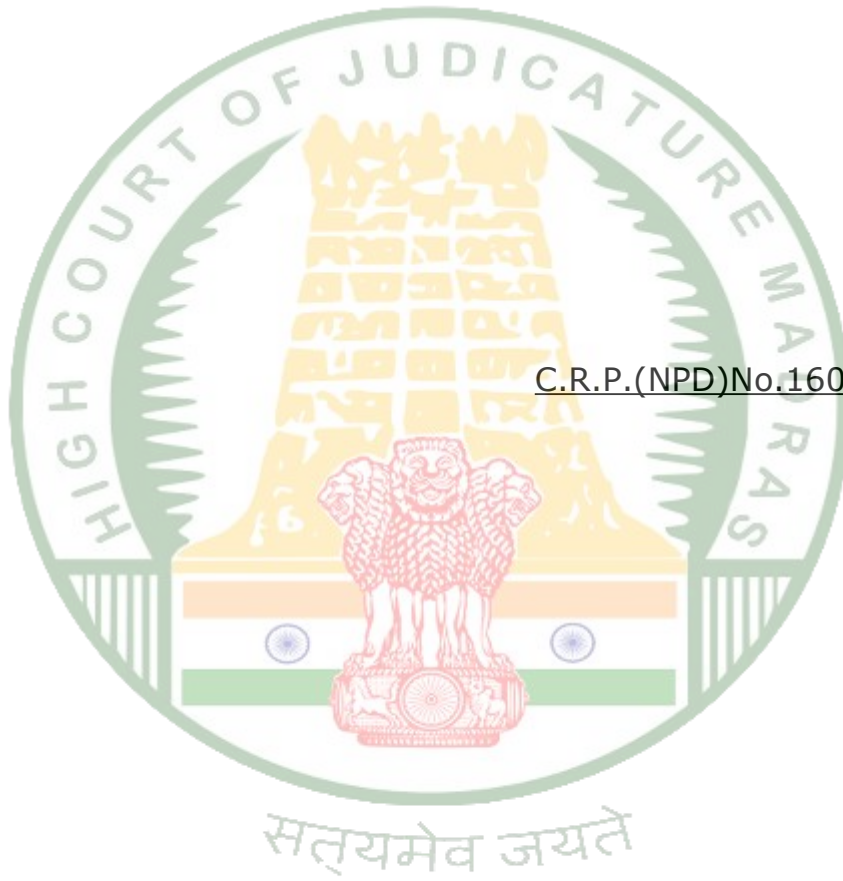
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To

The Principal Subordinate Judge, Tindivanam.

P.VELMURUGAN, J.,

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