

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRP.Nos.2546 and * **2547** of 2018
and
CMP.No.15441 of 2018

N.C.Dhamodharan

...Petitioner/Plaintiff
in both CRPs

Vs

1.Ravi
2.P.Suresh

...Respondents/Defendants
in CRP.No.2546 of 2018

1. K.Raman
2. K.Sathasivam

...Respondents/Defendants
in CRP.No.2547 of 2018

PRAYER:

Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to direct the Learned District Munsif, Sholinghur to recover the E.P. amount in E.P.No.5 of 2014 in O.S..No.88 of 2012 and E.P. No. 22 of 2015 in O.S. No. 112 of 2014 respectively, pending on its file from the judgment debtor within the short time limit fixed by the Hon'ble High Court.

For Petitioner : Mr.A.Gowthaman

COMMON ORDER

The prayer sought for in these petitions is to direct the Learned District Munsif, Sholinghur to recover the E.P. amount in E.P.No.5 of 2014 in O.S..No.88 of 2012 and E.P. No. 22 of 2015 in O.S. No. 112 of 2014 respectively, pending on its file from the judgment debtor within a short time.

2. Though the prayer in the present revisions is for a direction to the learned District Munsif, Sholinghur to recover the E.P amounts in E.P.No.5 of 2014 in O.S..No.88 of 2012 and E.P. No. 22 of 2015 in O.S. No. 112 of 2014, the learned counsel for the petitioner submitted that he would be satisfied, if a direction is given to the execution Court to dispose of the execution proceedings within a time frame.

3. On perusal of the 'A' diary extract, it is seen that the suit was decreed on 28.11.2013 and the execution petition came to be filed on 02.02.2014, for the past more than four years, the said execution petitions have been kept pending for various reasons without any progress.

4. The learned counsel for the petitioner submitted that the decree has also become final and no appeal has also filed against the decree.

5. In my view, if a direction is given to the execution Court to complete the execution proceedings within a stipulated time, the respondents cannot claim that prejudice would be caused to them and therefore, notice is not being issued to them.

6. In view of the limited prayer sought for by the petitioners, there shall be a direction to the learned District Munsif, Sholingur to dispose of the execution proceedings in E.P. No. 5 of 2014 in O.S. No. 25/12 and E.P. No. 22 of 2015 within a period of three months from the date of receipt of a copy of this order.

With the above direction, these Civil Revision Petitions are allowed. No Costs.

Sd/-

Assistant Registrar(CS VI)

01.10.2018

*** Issue Corrected Order**

Sub Assistant Registrar(Co-I)

dated 02.11.2018

//True Copy//

Sub Assistant Registrar

ak

To

The District Munsif,
Sholinghur.

**To be substituted
For the order already
despatched on 31.10.2018**

CRP.Nos.2546 and * 2547 of 2018

and

CMP.No.15441 of 2018

GJII(CO)
CS/11/10/2018
CS/12/11/2018