

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.538 of 2018

Jayaprakash

.. Petitioner

Vs

Kalaiyarasi

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India praying for direction directing the learned Subordinate Judge, Kallakurichi to dispose of the EP.No.42 of 2012 in OS.No.91 of 2011 within the time fixed by this Court.

For Petitioner : Mr.R.Prabakar

सत्यमेव जयते
ORDER

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According to the revision petitioner, the revision petitioner has filed an execution petition in EP.No.42 of 2012 in OS.No.91 of 2011 before the Sub-Court, Kallakurichi, which is pending. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court seeking a direction to the court below to dispose of the said

petition within the time as may be fixed by this Court.

2. At the time of hearing, the learned counsel for the revision petitioner would submit that in the aforesaid execution petition, the respondent has filed applications in EA.No.219 of 2015 to restore the application in EA.No.184 of 2013 which was dismissed for default, EA.No.220 of 2015 to stay the delivery warrant issued against the respondent and EA.No.221 of 2015 to amend the EP.No. which has been wrongly mentioned in EA.No.184 of 2013, which are pending. The revision petitioner has filed counter statement in all the above applications stating no objection for allowing them. But the court below has adjourned the matters from time to time. Therefore, the learned counsel for the revision petitioner requests this Court to mould the relief as prayed for in the present revision and direct the court below to dispose of the aforesaid applications within the time frame as may be fixed by this Court.

3. By considering the submissions made by the learned counsel for the revision petitioner, without going into the merits of the case, this Court is inclined to direct the Sub-Court, Kallakurichi to dispose of the aforesaid applications in EA Nos.219, 220 & 221 of 2015 in EA.No.184 of 2013 on merits and in accordance with law as

expeditiously as possible preferably on or before 30.06.2018.

4. The Civil Revision Petition is disposed of with above direction. No costs.

16.02.2018

Speaking/Non-Speaking order
Index :Yes/No
Internet:Yes/No
lok

To

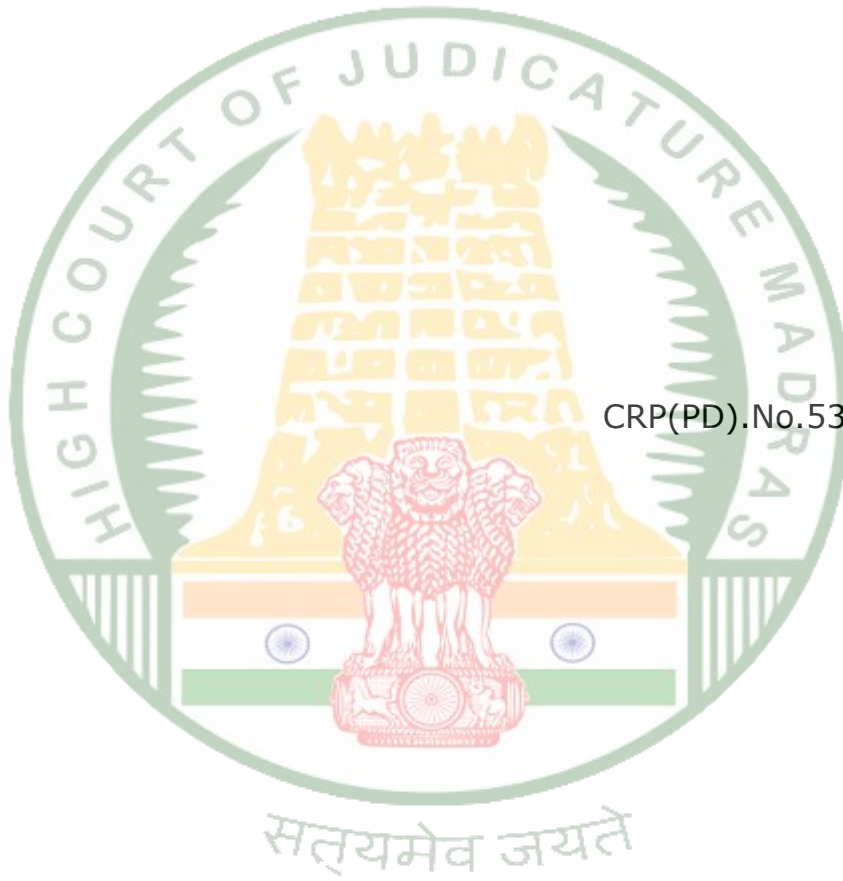
The learned Subordinate Judge,
Kallakurichi



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D. KRISHNAKUMAR J.,

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At the instance of the learned counsel for the revision petitioner, the matter has been listed today under the caption 'for being mentioned'.

2. The learned counsel for the revision petitioner would submit that the revision petitioner has filed counter statement in all the applications stating objection for allowing the same. But, due to inadvertance, in paragraph 2 of the order, it has been stated as "*no objection for allowing them*". Therefore, the said statement may be deleted and a fresh order copy may be issued.

3. In view of the request made by the learned counsel for the revision petitioner, in paragraph 2 of the order, "*The revision petitioner has filed counter statement in all the above applications stating no objection for allowing them*" has to be corrected as "*The revision petition has filed counter statement in all the above applications.*"

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4. The Registry is directed to carry out the above correction and issue a fresh order copy.

23.03.2018

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