

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(NPD).No.1340 of 2016

and

C.M.P.No.7540 of 2016

M.Rajesh Khana

..Petitioner

Vs.

1.A.Gopal

M.Jayalakshmi (died)

2.M.Jaffir

3.M.Sithik

4.Mrs.M.Banu

5.Gopalakrishnan

(LR brought as per order dated 12.03.2012 in
I.A.No.8901 of 2009)

R2 to R5 given up in CRP

..Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction fixing a time frame for expeditious disposal of I.A.No.3211 of 2016 in O.S.No.4759 of 2008 and other consequential applications.

(Prayer amended, as per the Court Order dated 05.05.2016 made in C.M.P.No.7873 of 2016 in C.R.P.(NPD).No.1340 of 2016)

For petitioner : Ms.R.V.Gayathiri

For Respondent : Mr.S.Udaya Kumaran

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ORDER

This Civil Revision Petition has been filed to issue a direction fixing a time frame for expeditious disposal of I.A.No.3211 of 2016 in O.S.No.4759 of 2008 and other consequential applications.

2.According to the petitioner, the petitioner has filed an application to condone the delay 347 days in filing the petition to set aside the Exparte decree dated 04.02.2015 in O.S.No.4759 of 2008 on the file of the XVI Assistant Judge, City Civil Court, Chennai. The aforesaid application is posted for enquiry on 20.04.2018. Therefore, till the disposal of the said application in I.A.No.3211 of 2016, the respondents have executed the decree and the petitioner would face the hardship. Therefore, the order of the court below challenging the execution proceedings before this Court.

3.The learned counsel appearing for the respondents fairly submitted that the I.A.No.3211 of 2016 posted for enquiry on 20.04.2018. Already the petitioner obtained the Interim Stay before

this Court. This Court may pass an appropriate to direct the Court below to dispose of the I.A.No.3211 of 2016, within a time limit.

4.By considering the above submission, in view of the submission made by the counsel for the parties, the XVI Assistant Judge, City Civil Court is directed to consider the application in I.A.No.3211 of 2011 on merits as expeditiously as possible. In the mean time, the respondents shall not proceed with the Execution Proceedings till the orders passed in the said I.A.No.3211 of 2016.

5.Accordingly, the Civil Revision Petition stands disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.03.2018

Speaking/Non-speaking order

Index :Yes/No

Internet :Yes/No

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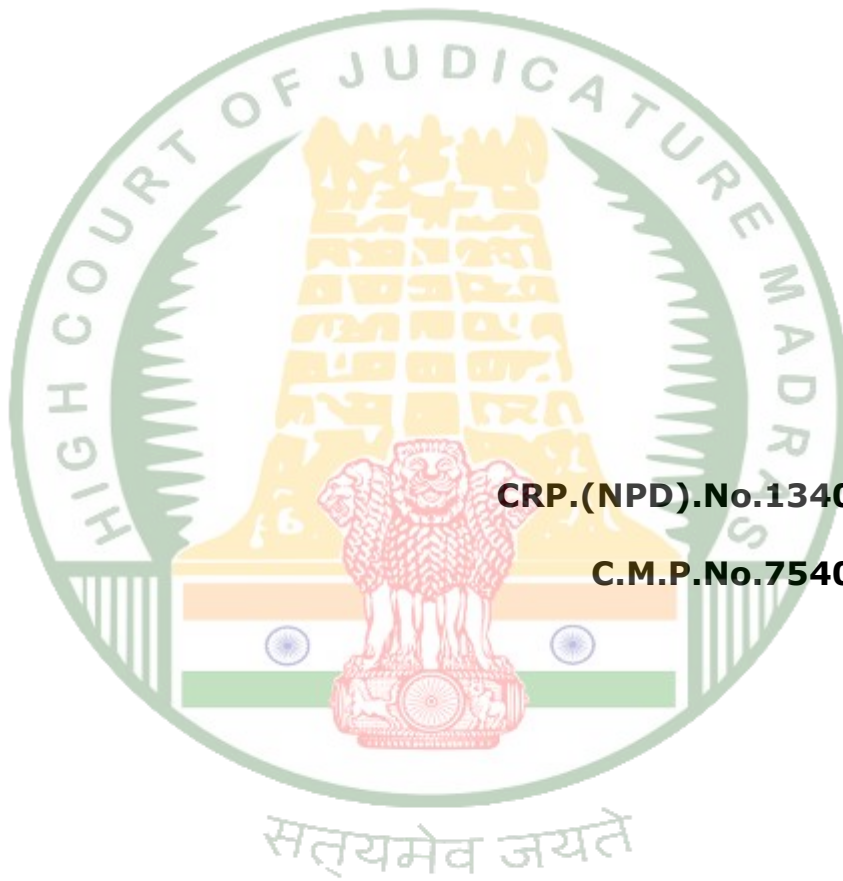
Note: Issue Order Copy on 08.05.2018

To

The XVI Assistant Judge,
City Civil Court,
Chennai.

D.KRISHNAKUMAR. J,

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