



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.373 of 2018

Muthusamy ... Petitioner / Petitioner / Plaintiff
vs.

Ruthiramoorthy (Died)
1.Kajendra Pandian
Sundaramoorthy (Died)
2.Vijaya ... Respondents / Respondents /
Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Court, Palani, Dindigul District to dispose of the E.P.No.4 of 2016 in O.S.No.147 of 2007 on the file of the learned Sub Court, Palani, Dindigul District as expeditiously within a stipulated time frame.

For Petitioner : Mr.S.Sadeskumar

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Palani, Dindigul District, to dispose of the execution petition in E.P.No.4 of 2016 in O.S.No.147 of 2007, within a stipulated time as may be fixed by this Court.

2. According to the petitioner, he has filed the suit in O.S.No.147 of 2007, before the learned Subordinate Judge, Palani, Dindigul District, against the respondents herein/defendants, for the relief of declaration and recovery of possession. The said suit was decreed on 18.06.2009 and thereafter, he has filed an execution petition in E.P.No.4 of 2016. In the meantime, the original defendants died and the petitioner has also brought on record the legal heirs of the original defendants. It is the grievance of the petitioner that as the execution petition is still pending, he is not able to enjoy the fruits of the decree awarded in his favour and hence, he is before this Court seeking a direction to the learned Judge for early disposal of the execution



proceedings.

3. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondents is dispensed with, since the prayer itself is for a limited scope seeking early disposal of the execution proceedings.

4. Considering the facts and circumstances of the case and also the fact that the suit is of the year 2007 and the suit is decreed as early as on 18.06.2009, this Court is of the view that ends of justice will be met if a direction is issued to the learned Judge for early disposal of the execution proceedings. Accordingly, without advertting into the merits of the case, the learned Subordinate Judge, Palani, Dindigul District, is directed to dispose of the execution petition in E.P.No.4 of 2016 in O.S.No.147 of 2007 within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Palani, Dindigul District.

+ 1 cc TO Mr.S.Sadeskumar , Advocate in SR No. 51891

gk

AE/JC/SAR2/08.03.2018/2P/3C

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