



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.02.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (NPD) (MD) No.374 of 2018

WEB COPY

K.S.R.&Co.,
Bharath Petroleum Dealer Firm, Rajapalayam,
Represented by its partner, K.S.Muthusingappa Raja

... Petitioner / Petitioner / Plaintiff
vs.

N.Narayanan (Died)
1.Saratha
2.Nataraja Kannan
3.Vivekananthan

... Respondents / Respondents / L.Rs of
the Defendant

PRAYER: Petition filed under Article 227 of the Constitution of India, praying a direction that Execution Petition No.52 of 2014 in O.S.No.515 of 1991 pending on the file of the Principal District Munsif, Srivilliputhur, be disposed off within a stipulated time limit as may be fixed by this Court.

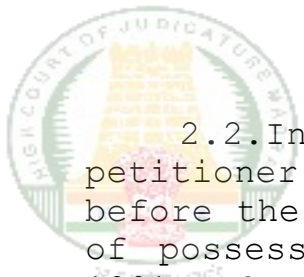
For Petitioner : Mr.A.R.Sethupathy

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Munsif, Srivilliputhur, to dispose of the petition in Execution Petition in E.P.No.52 of 2014 in O.S.No.515 of 1991, within a stipulated time limit as may be fixed by this Court.

2. The facts of the case, in brief, are as follows:

2.1.The petitioner / plaintiff has filed a suit in O.S.No.515 of 1991 for specific performance before the Principal District Munsif, Srivilliputhur. The said petition was allowed by order dated 30.08.1993 and the defendant has filed an appeal in A.S.No.448 of 1993 before the District Munsif Court, Srivilliputhur and the same was allowed. Aggrieved over the same, the plaintiff has preferred second appeal before this Court, in S.A.(MD)No.1004 of 1997. This Court, by order dated 26.11.2012, allowed the said appeal and set aside the order passed by the lower appellate Court in A.S.No.448 of 1993 and restored the order made in O.S.No.515 of 1991.



2.2. In view of the order of this Court, the plaintiff / petitioner has filed an execution petition in E.P.No.52 of 2014 before the Principal District Munsif, Srivilliputhur, for recovery of possession and execution of the order made in O.S.No.515 of 1991. The respondents, instead of contesting the said Execution Petition, are taking several adjournments mechanically, thereby, dragging on the proceedings. Aggrieved over the same, the present petition came to be filed seeking a direction for early disposal of the Execution Petition in E.P.No.52 of 2014.

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 Petition in E.P.No.52 of 2014.

4. It is seen that the execution proceedings is of the year 2014. For one reason or other, the said petition is kept pending for more than four years.

5. Considering the facts and circumstances of the case and also the limited scope of the prayer sought for, this Court, without going into the merits of the case, directs the Principal District Munsif, Srivilliputhur, to dispose of the Execution Petition in E.P.No.52 of 2014 in O.S.No.515 of 1991, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif,
Srivilliputhur.

+1cc to Mr.T.R.Subramanian, Advocate Sr.No.51075

CMR

VB/KK/SAR4/15/03/2018/2P/3C