



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.03.2018
CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.568 of 2018

WEB COPY

Balasubramaniyan .. Petitioner/ Petitioner/Petitioner/4th defendant

Vs.

1.Ponnusamy (died)
2.Gandhimathi
3.Abi Chitra ..Respondent /Respondent / Respondent /Plaintiff
4.Chellappan
5.Rathinasamy
6.Thandautham
7.Chellammal
8.Gomalavalli
9.Mangalam
10.Saraswathi @ Usha
11.Muthusamy Naickar
12.Thuraisamy Naickar
13.Thandapany
14.Subramaniyan Chettiar
15.Velathal
16.Babu
17.Balan
18.Boss

..Respondents /Respondents /Respondents /Defendants

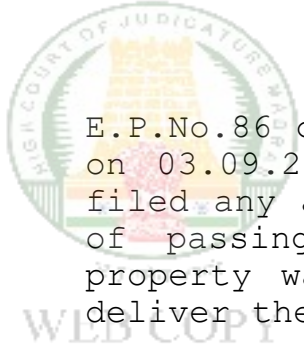
PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Palani to dispose of the E.A.No.132 of 2017 in E.P. No.86 of 2008 in O.S.No.53 of 1977, within a time limit fixed by this Court.

For Petitioner : Mr.B.Senthilkumar

ORDER

The Civil Revision Petition has been filed seeking a direction to the learned District Munsif, Palani to dispose of the E.A.No.132 of 2017 in E.P. No.86 of 2008 in O.S.No.53 of 1977, within a stipulated time as fixed by this Court.

2. The petitioner would submit that the suit in O.S.No.53 of 1977 was filed for the relief of partition and the same was decreed on 16.03.1979, declaring that the petitioner herein, is entitled to 1/9th share in the suit property. Thereafter, the petitioner filed an Interlocutory Application in I.A.No.1209 of 1991 for final decree and the same was allowed on 25.03.1996, allotting the Execution Petition mentioned property, towards his share. Subsequently, the petitioner filed an Execution petition in



E.P.No.86 of 2008 and the same was allowed and delivery was ordered on 03.09.2015. Against the said order, the respondents have not filed any appeal and the said order has become final. At the time of passing the final decree, the execution petition mentioned property was a vacant site. Hence, the respondents are bound to deliver the vacant possession to the petitioner.

3. The grievance of the petitioner is that the Court Ameen, returned the warrant stating that there is a building and electricity connection in the schedule mentioned property. Hence, the petitioner is unable to take possession of the property. Therefore, the petitioner filed an Interlocutory Application in E.A.No.132 of 2017 for demolishing the entire building including the stair case, which is situated in the execution petition mentioned property. According to the petitioner, the above E.A.No.132 of 2017 is posted for orders and for the past five months, the same is continuously adjourned without any progress and therefore, the petitioner has come up with this civil revision petition for the aforesaid prayer.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. Since the case is for a limited relief of early disposal, no notice is necessary to the respondents.

6. A perusal of the 'B' Diary extract would go to show that as stated by the learned counsel for the petitioner, the case has been posted for orders on 28.02.2018. Therefore, this Court, without going into the merits of the allegation raised by the revision petitioner, is inclined to direct the Court below to dispose of the petition in E.A.No.132 of 2017 in E.P. No.86 of 2008 in O.S.No.53 of 1977, within a stipulated period.

7. In view of the above, the learned District Munsif, Palani, is directed to dispose of the petition in E.A.No.132 of 2017 in E.P. No.86 of 2008 in O.S.No.53 of 1977, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8. The Civil Revision Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif, Palani.

+One cc to Mr.B.Senthil Kumar, Advocate, SR.No.56445

rm

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