



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.97 of 2018 (NPD)

The Tiruchi Seva Sangam,
A Registered Society,
Rep by its Secretary,
Having its Registered Office at
No.9/2, Williams Road,
Cantonment, Trichy-620 001.

..Petitioner/Petitioner/Plaintiff/Decree Holder

Vs.

1.R.Valli

2.M.Balamurugan

...Respondents/Respondents/defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Lower Court for expeditious disposal of E.P.No.175 of 2017 in O.S.No.1124 of 2015 on the file of the I Additional District Munsif Court, Trichy.

For Petitioner : Mr.R.Subramanian

ORDER

This Civil Revision Petition has been filed to direct the Lower Court for speedy disposal of E.P.No.175 of 2017 in O.S.No.1124 of 2015 on the file of the I Additional District Munsif Court, Trichy.

2. The learned counsel appearing for the petitioner would submit that the petitioner's society is running 7 institutions, specifically for girls, namely (i)Seva Sangam Girls Higher Secondary School, (ii)Thanjammal Memorial Elementary School, (iii)Shyamala Nursery and Primary School, (iv)Destitute Home for Orphan Girls, (v) Free Boarding Hostels for poor Girls, (vi)Kasthuriba Working Women's Hostel and (vii)Vocation Units for the Rehabilitation of Poor Women and Widows.



3. Seva Sangam Girls Higher Secondary School, Thanjammal Memorial Elementary School and Shyamala Nursery and Primary school are situated in one compound and having a common entrance. After the Kumbakonam fire tragedy, the authorities have framed guidelines and insisted the petitioner to make separate entrance for the Thanjammal Memorial Elementary School. Therefore, the petitioner has constructed shops abutting the main road and leased out the same. The first respondent was inducted as tenant for shop No.1 in the complex bearing Door No.3/2, Williams Road, Cantonment, Trichy. As the authorities have insisted to vacate the shop so as to enable us to demolish the same and made a separate entrance for the Elementary School. But the petitioner refused to vacate the same and inducted the second respondent as sub tenant. Hence, the petitioner filed a suit in O.S.No.1124 of 2015 on the file of District Munsif's Court, Trichy for delivery of possession of the suit property and for future damages. On 16.11.2015, the first respondent was set exparte and he filed exparte set aside petition in I.A.No.1255 of 2015 and the same was allowed. Subsequently, the suit was decreed on 28.04.2017. Thereafter, the petitioner filed E.P.No.175 of 2017 on the file of I Additional District Munsif Court, Trichy and the same is adjourned from time to time and therefore, the petitioner has filed the present petition seeking early disposal of the same.

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

5. The prayer in the petition itself is with a limited prayer for speedy disposal of E.P.No.175 of 2017 and therefore, no notice is necessary to the respondents in the present revision.

6. Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if a direction is issued to the trial Court. Accordingly, having regard to the submissions made by the learned Counsel for the petitioner and also taking into consideration the limited prayer sought for by the petitioner, this Court, without expressing any opinion with regard to the merits of the case, directs the learned I Additional District Munsif, Trichy, to dispose of the Execution Proceedings in E.P.No.175 of 2017, on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

The I Additional District Munsif,
I Additional District Munsif Court,
Trichy.

Rm/psd

MV:SKN-RSK:SAR1:12/02/2018/3P/2C

C.R.P (MD) No. 97 of 2018 (NPD)

18.01.2018