



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (NPD) (MD) Nos.2605 & 2606 of 2017

Minor. Dhatchana

Rep. by her next friend and

guardian, her mother

Pothum Ponnu

... Petitioner/Petitioner/Decree Holder/
Plaintiff in both petitions

-Vs-

1.V.Nagaperumal

2.V.Balamurugan

3.V.Kameshwari

N.Veluchamy (Died)

4.Sivagamiammal

... Respondents/Respondents/Judgement
Debtors/Defendants in both petitions

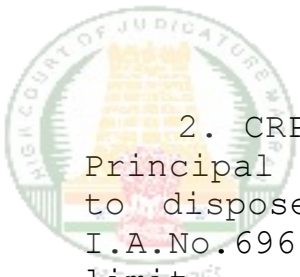
Prayer in CRP(MD)No.2605 of 2017:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the lower Court to pass final order and dispose of E.P.No.14 of 2016 in I.A.No.696 of 2012 in O.S.No.152 of 2011 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur, within stipulated time as fixed by this Court.

Prayer in CRP(MD)No.2606 of 2017:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the lower Court to pass final order and dispose of E.P.No.4 of 2016 in I.A.No.585 of 2013 in I.A.No.696 of 2012 in O.S.No.152 of 2011 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur, within stipulated time as fixed by this Court.

For Petitioner : Mr.N.Subramanian (In both cases)

COMMON ORDER

CRP(MD)No.2605 of 2017 is filed seeking a direction to the Principal District Judge, Virudhunagar District at Srivilliputhur to dispose of the E.P.No.14 of 2016 in I.A.No.696 of 2012 in O.S.No.152 of 2011, within a stipulated time limit.



2. CRP(MD)No.2606 of 2017 is filed seeking a direction to the Principal District Judge, Virudhunagar District at Srivilliputhur to dispose of the E.P.No.4 of 2016 in I.A.No.585 of 2013 in I.A.No.696 of 2012 in O.S.No.152 of 2011, within a stipulated time limit.

WEB COPY

3. Since the issue involved in both the cases is similar in nature, they are disposed of, by this common order.

4. The petitioner herein is one Dhatchana (Minor), represented by her mother namely, Pothum Ponnu and according to her, the first respondent is her husband and respondents 2 & 3 are the brother and sister of the first respondent. The fourth respondent is the mother of the respondents 1 to 3.

5. According to the petitioner, she has instituted a suit in O.S.No.151 of 2011, for partition and a preliminary decree was passed as early as on 07.06.2012. Thereafter, the petitioner has filed I.A.No.696 of 2012, requesting to pass final decree, wherein, an Advocate Commissioner was appointed, who, in turn, submitted his report suggesting that the property in question cannot be conveniently divided.

6. Thereafter, the petitioner has filed I.A.No.585 of 2013, under Section 3 of the Partition Act and after obtaining permission in I.A.No.445 of 2014, the property was sold in public action, thereby, item 7 of the property was declared to have been sold and allotted to the share of the petitioner, for which, the petitioner was also issued with a sale certificate.

7. Subsequent thereto, the petitioner has filed E.P.Nos.4 and 14 of 2016, seeking delivery of the property, namely item no.7 in the suit. It is the grievance of the petitioner that as the execution petition was filed within a period of two years from the date of decree, the Execution Court ought not to have ordered notice to the respondents, but the Execution Court has ordered notice. Moreover, despite notice was served on the respondents, they, instead of making their appearance, are dragging on the proceedings, unnecessarily and aggrieved thereby, the petitioner is before this Court, seeking a direction for early disposal of the said execution petitions.

8. Heard the learned Counsel appearing for the petitioner and perused the documents placed on record. Since the prayer in these petitions, itself, is for a limited scope seeking early disposal of the execution proceedings, notice to the respondents is dispensed with.

<https://hcservices.courts.gov.in/services> 9. 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 learned



Principal District Judge, Virudhunagar District at
Srivilliputhur, to dispose of the proceedings in

i) E.P.No.14 of 2016 in I.A.No.696 of 2012 in O.S.No.152 of 2011;
ii) E.P.No.4 of 2016 in I.A.No.585 of 2013 in I.A.No.696 of 2012
in O.S.No.152 of 2011;
within a period of eight weeks from the date of receipt of a copy
of this order.

10. With the above direction, these civil revision petitions
are disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Srivilliputhur,
Virudhunagar District.

+1cc to Mr.N.Subramanian, Advocate Sr.No.40063

GK

VB/KK/SAR3/17/01/2018/3P/3C

CRP (NPD) (MD) Nos.2605 & 2606 of 2017
02.01.2018