



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2607 of 2017

S.Abdul Rahim ... Petitioner / Respondent /
Decree Holder / Plaintiff

vs.

1.K.Lingeswaran ... 1st Respondent / Petitioner /
3rd Party / 3rd Party

2.S.Durairaj

3.Raja @ Ramasamy ... Respondents 2 & 3 / Respondents 2 & 3 /
Judgment Debtors / Defendants

(Respondents 2 and 3 are not necessary parties in
this proceedings hence they are given up)

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Theni, to dispose of the E.A.No.68 of 2017 in E.P.No.78 of 2009 in O.S.No.53 of 1979 within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.R.Subramanian

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned District Munsif, Theni, to dispose of the E.A.No.68 of 2017 in E.P.No.78 of 2009 in O.S.No.53 of 1979, within a stipulated time as may be fixed by this Court.

2. The petitioner is the plaintiff in the suit, which was decreed in his favour on 19.12.1991 and he has filed an execution petition in E.P.No.78 of 2009 for taking delivery. Thereafter, the first respondent has filed E.A.No.68 of 2017. According to the petitioner, the first respondent's mother, one K.Padmavathi has filed E.A.No.27 of 2015 and the same was dismissed by the Execution Court by order dated 26.10.2016, which was, subsequently, confirmed by this Court by an order dated 04.08.2017, in C.R.P.(MD)No.1266 of 2017. Aggrieved over the same, S.L.P(C)No.21271 of 2017 came to be filed, which was later dismissed as withdrawn. Such being the case, it is the grievance



of the petitioner that the first respondent, who claims to be the joint owner, has filed E.A.No.68 of 2017, for the same cause of action, as of the E.A.No.27 of 2015 and that too, with identical pleading and prayer.

3. The learned Counsel for the petitioner would submit that in order to drag on the proceedings, the first respondent has filed the said E.A.No.68 of 2017. It is his case that because of this act of the 1st respondent, he is not able to enjoy the fruits of the decree, which was awarded, in his favour, in the year 1991. Therefore, he is before this Court, seeking a direction for early disposal of the said E.A.No.68 of 2017 in E.P.No.78 of 2009 in O.S.No.53 of 1979.

4. 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 said E.A.No.68 of 2017.

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 learned District Munsif, Theni, to dispose of the E.A.No.68 of 2017 in E.P.No.78 of 2009 in O.S.No.53 of 1979, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the 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 District Munsif,
Theni.

+ 1 cc TO Mr.R.Subramanian , Advocate in SR No. 40152

gk

AE/JC/SAR2/12.01.2018/2P/3C

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