



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.990 of 2017 (PD)

S.A.Abdul Rahim,
through his Power of Attorney Holder,
T.M.Syed Ibrahim. ... Petitioner /Petitioner / Plaintiff

Vs.

1.Abdul Kadhar

2.Boomi

3.Thangachamy

4.Ravi ... Respondents /Respondents / Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif cum Judicial Magistrate, Ilayankudi, to dispose of E.P.No.1 of 2016 in O.S.No.34 of 2004 within a stipulated period.

For Petitioner : Mr.V.Perumal

ORDER

This civil revision petition has been filed by the revision petitioner / plaintiff, seeking a direction to the learned District Munsif cum Judicial Magistrate, Ilayankudi, to dispose of E.P.No.1 of 2016 in O.S.No.34 of 2004 within a stipulated period.

2. It is stated in the petition that the suit filed by the revision petitioner / plaintiff for declaration and mandatory injunction was decreed in his favour on 14.10.2015 and that the trial Court, without executing the decree, has been examining the respondents, who are the defendants in the suit and dragging on the proceedings on one reason or another stated by the respondents / defendants. Therefore, he has come up with this civil revision petition seeking early disposal of E.P.No.1 of 2016 in O.S.No.34 of 2004.

3. The learned counsel for the revision petitioner would submit that the suit was filed in the year 2004 and the same was decreed after a long battle on 14.10.2015 and that even after



lapse of about two years from the date of filing of the execution petition, the petitioner is not able to enjoy the fruits of the decree and therefore, prayed for a direction to the Court below to dispose of E.P.No.1 of 2016 within a stipulated period.

4. Since the case is for a limited relief of early disposal, no notice need be sent to the respondents.

5. Considering the limited relief sought for by the revision petitioner and also considering the age of the revision petitioner, without going into the merits and demerits of the allegation raised by the revision petitioner, this civil revision petition is disposed of with a following direction:

The learned District Munsif cum Judicial Magistrate, Ilayankudi is directed to dispose of E.P.No.1 of 2016 in O.S.No.34 of 2004, pending on his file, on merits and in accordance with law, as early as possible, preferably within a period of three months from the date of receipt of copy of this order.

6. No order as to cost.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Ilayankudi.

+1cc to Mr.V.Perumal, Advocate Sr.No.45166

GCG

VB/KKR/SAR2/20.02.2018/2P/3C

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