



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P(MD)Nos.1313 to 1319 of 2018

WEB COPY

Amuthavalli, W/o.Karthikeyan

: Petitioner
in all the C.R.Ps.

Vs.

1.Anish Fathima, W/o.Jahangir Batcha

2.T.R.Najeem

: Respondents
in C.R.P. (MD) No.1313/2018

1.Riyas Ahamed, S/o.Abas Manthiri

2.A.Mohammed Bilal

: Respondents
in C.R.P. (MD) No.1314/2018

1.Mohammed Rafi, S/o.Jamal Mydeen Rahuman

2.M.A.Mohammed Thamim

: Respondents
in C.R.P. (MD) No.1315/2018

1.Johnson, S/o.Micheal

2.A.Yesuraj

: Respondents
in C.R.P. (MD) No.1316/2018

1.Senthamarai, S/o.Perumal

2.Serparsan

: Respondents
in C.R.P. (MD) No.1317/2018

1.Syed Ibrahim, S/o.Jalil Rahuman

2.Paresh M.Lalani, S/o.Manju

: Respondents
in C.R.P. (MD) No.1318/2018

1.A.Sundharamoorthi

2.Ravichandran

: Respondents
in C.R.P. (MD) No.1319/2018

Common Prayer : Civil Revision Petitions are filed under Article 227 of the Constitution of India, seeking to struck of the proceedings of the Petitions in E.A.Nos.8, 9, 10, 11, 12, 13 and 14 of 2018 in E.P.Nos.15, 16, 17, 18, 19, 20 and 23 of 2016 in R.C.O.P.Nos.2, 4, 5, 6, 7, 8 of 2015 and 1 of 2016, on the file of the District Munsif-cum-Judicial Magistrate Court, Kodaikanal, Dindigul District, respectively and allow the Civil Revision Petitions.

**COMMON ORDER**

These Civil Revision Petitions have been filed seeking to struck of the proceedings of the Petitions in E.A.Nos.8, 9, 10, 11, 12, 13 and 14 of 2018 in E.P.Nos.15, 16, 17, 18, 19, 20 and 23 of 2016 in R.C.O.P.Nos.2, 4, 5, 6, 7, 8 of 2015 and 1 of 2016, on the file of the District Munsif-cum-Judicial Magistrate Court, Kodaikanal, Dindigul District, respectively.

2.Since the issues involved in all the Civil Revision Petitions are interlinked, they are heard together and disposed of by this common order.

3.The revision petitioner, who is the decree holder in R.C.O.P.Nos.2, 4, 5, 6, 7, 8 of 2015 and 1 of 2016 has filed E.P.Nos.15, 16, 17, 18, 19, 20 and 23 of 2016 before the District Munsif-cum-Judicial Magistrate Court, Kodaikanal. During the pendency of the above said execution petitions, the first respondents herein, who are the third parties, have filed E.A.Nos.8, 9, 10, 11, 12, 13 and 14 of 2018 under Order 21 Rule 97 and Section 151 of C.P.C.

4.Now, the petitioner has come forward with the present Civil Revision Petitions seeking to struck of the proceedings of the Petitions in E.A.Nos.8, 9, 10, 11, 12, 13 and 14 of 2018 in E.P.Nos.15, 16, 17, 18, 19, 20 and 23 of 2016 in R.C.O.P.Nos.2, 4, 5, 6, 7, 8 of 2015 and 1 of 2016, on the file of the District Munsif-cum-Judicial Magistrate Court, Kodaikanal, Dindigul District, respectively.

5.This Court has considered earlier that the parties have no right to invoke Article 227 of the Constitution of India for striking of the petitions relating to rent control proceedings. Therefore, these Civil Revision Petitions filed under Article 227 of the Constitution of India are not maintainable.

6.On a perusal of records, it is seen that the decree has been passed in the years 2015 and 2016 and execution petitions also filed in 2016 and the same was pending for more than 2 years, but the Court below has not taken any expedite steps to deliver the suit property as per the decree, since the executing Court has bounden duty to execute the decree. Therefore, this Court directs the learned District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District, to dispose of E.A.Nos.8, 9, 10, 11, 12, 13 and 14 of 2018, within a period of two weeks from the date of receipt of a copy of this order on day-to-day basis without giving any adjournment to both the parties and dispose of E.P.Nos.15, 16, 17, 18, 19, 20 and 23 of 2016, within a period of four weeks



7. Accordingly, these Civil Revision Petitions are dismissed.
No costs.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate,
Kodaikanal,
Dindigul District.

+1cc to Mr.G.Gomathi Sankar, Advocate SR.No.71038
Smn2
MK/PN/SAR 1/13.07.2018/3P/3C

Common order in
C.R.P (MD) Nos.1313 to 1319 of 2018
03.07.2018