



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

WEB COPY

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(NPD) (MD)No.417 of 2016
and
C.M.P.(MD)No.1804 of 2016

R.Suresh

... Petitioner

/Vs./

1.R.Moorthy
2.R.Krishnaveni

... Respondents

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to allow the civil revision petition and strike off the proceedings in E.A.No.429 of 2015 in E.P.No.75 of 2015 in O.S.No.549 of 2013 on the file of the I Additional Sub Court, Trichirappalli.

For Petitioner : Mr.V.Singan
For Respondents : No appearance

ORDER

The decree holder is the revision petitioner. He filed a suit for specific performance in the year 2013. It was decreed on 10.10.2014. To enforce the same, the revision petitioner filed E.P.No.75 of 2015.

2. The learned counsel submits that he deposited the balance sale consideration and draft sale deed has also been filed. Judgment debtor has also taken notice therein. At that stage, the first respondent herein, who claims to be an agent of the judgment debtor had filed E.A.No.429 of 2015.

3. The contention of the revision petitioner is that the said E.A.No.429 of 2015 is patently not maintainable. In the case of holding an enquiry into the said EA, the matter is pending for more than three years. Therefore, he filed the present civil revision petition for striking off E.A.No.429 of 2015.

4. Though the submissions of the learned counsel appearing for the revision petitioner appear to be sound and weighty, I am of the view that inspite of going into the matter, the Executing Court can be directed to dispose of E.A.No.429 of 2015 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



5. With the above direction, this civil revision petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(A.E.)

/True Copy/

Sub Assistant Registrar(CS IV)

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To

The I Additional Sub Court, Trichirappalli.z

1CC TO MR. R.SUBRAMANIAN, ADVOCATE SR 89162

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Order made in
C.R.P. (NPD) (MD) No.417 of 2016

08.10.2018