



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.1665 of 2018

Dhanapal

...Revision Petitioner/
Petitioner/Decree holder

Vs.

Sumathi

...Respondent/Respondent/
Judgment Debtor

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned II nd Additional District Munsif Tiruchirappalli to expedite the hearing in E.P.No.224 of 2017 and dispose of the same within the time frame fixed by this Court.

For Petitioner : Mr.VR.Shanmuganathan

O R D E R

This Civil Revision Petition is filed for a direction to the learned II nd Additional District Munsif Tiruchirappalli to expedite the hearing in E.P.No.224 of 2017 and dispose of the same within the stipulated time.

2.The petitioner is the plaintiff and the respondent is the defendant in the suit in O.S.No.876 of 2014. The petitioner/plaintiff has filed a suit before the learned II Additional District Munsif, Tiruchirappalli, for eviction and also for recovery, against the respondent/defendant. The said suit was decreed on 14.07.2017 in favour of the petitioner/plaintiff. Against the said decree and judgment, the respondent/defendant has preferred the first appeal in A.S.No.156 of 2017 before the Learned Subordinate Judge, Tiruchirappalli. On the other hand, the petitioner/plaintiff filed a petition in E.P.No.224 of 2017 to execute the judgment and decree dated 14.07.2017. The said E.P has been filed in the year 2017 and the same is pending for more than 1 ½ years without any further proceedings. Therefore, the petitioner has approached this Court by invoking the jurisdiction under Article 227 of the Constitution of India, seeking for a direction to the II nd Additional District Munsif Tiruchirappalli, to dispose of the petition in E.P.No.224 of 2017 within a particular period.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Heard the learned counsel for the petitioner and perused the materials placed before this Court.



4. The E.P.No.224 of 2017 has been filed in the year 2017 and for more than 1 ½ years, it was continuously adjourned. It is seen from the 'B' dairy extract, which clearly shows that the matter has been adjourned for filing counter.

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5. Since the petitioner has sought for a limited prayer for early disposal of the E.P., no notice is necessary to the respondent, which would cause no prejudice anyway to the respondent. It is an admitted fact that the E.P., is pending from 2017 onwards, but, the II nd Additional District Munsif Tiruchirappalli, has not taken any action to dispose of the E.P., which is pending for more than 1 ½ years. Therefore, I am inclined to pass the following order:

The II nd Additional District Munsif Tiruchirappalli, is directed to dispose of the petition in E.P.No.224 of 2017, within a period of two months from the date of receipt of a copy of this order, on day-to-day basis without giving any adjournment to either parties. The parties are also directed to give their fullest co-operation for early disposal of the E.P.,, within the time limit fixed by this Court for passing orders. The II nd Additional District Munsif Tiruchirappalli, is directed to file a compliance report before this Court within a period of ten days after passing orders in the petition in E.P.No.224 of 2017.

6. The Civil Revision Petition is disposed of, with the above directions. No costs.

SD

ASSISTANT REGISTRAR (RTI)

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SUB ASSISTANT REGISTRAR

To

1.The II nd Additional District Munsif,
Tiruchirappalli.

1CC TO MR. VR. SHANMUGANATHAN, ADVOCATE SR 77147

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