

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) No.2050 of 2019

Sri.Swamy Hathiramji Mutt

.. Petitioner

Versus

1. Dr. Ambedkar Nagar Residents Welfare Association,
Royapettah, represented by its
President P.Anbu Karunanidhi
Royapettah, Chennai 600 014.
2. Ananthakrishna Babu
hamsa Bai (deceased)
3. Suseendran
K.Krishnamurthy (deceased)

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the fair and decreetal order dated 4.1.2019 in EA.No.5033 of 2018 in EA.No.2696 of 2012 in EP.No.725 of 1984 in O.S.No.587 of 1970 on the file of X Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr. R. Selvakumar

For Respondent : No Appearance

ORDER

The petitioner is the decree holder in the suit O.S.No.587 of 1970. Admittedly, the decree was passed on 17.11.1972. Pursuant to decreeing the suit, the defendants preferred first appeal and second appeal and the same were also dismissed. The petitioner filed an Execution Petition in the year 1984 in E.P.No.725 of 1984 for taking possession of the property and

the said Execution Petition is protracted for the past 35 years on one or other pretexts.

2. Now, the 1st respondent herein as third party intervenor has filed E.A.No.2696 and 2697 of 2012 in E.P.No.725 of 1984 seeking to record the obstructions in E.P.No.725 of 1984 and also for stay of all further proceedings of the execution petition stating that the Decree Holder/plaintiff has preferred the above execution petition suppressing the fact that more than 2000 persons are residing in the suit property, in respect of which, delivery is sought.

3. He has also filed E.A.No.5033 of 2018 seeking to re-open their side for further evidence and to mark few more documents. On 4.1.2019 the execution court, in order to give one more opportunity to the 1st respondent herein, allowed the petition to reopen the evidence and for marking documents on payment of cost of Rs.50,000/- to the decree holder. Aggrieved over the said order, the petitioner/deGREE holder is before this Court. Perusal of the adjudication reveal that attempt is made to protract the proceedings. It is well settled principle of law that Execution Court cannot go behind the decree. By entertaining the revision, the execution will be delayed further.

4. Considering the facts and circumstances of the case, this Court is of the considered opinion that keeping the present revision petition pending before this Court will further defeat the ends of justice. Therefore, it would

suffice that a direction is given to the Execution Court to complete execution proceedings within a specified time limit.

5. Considering the fact that the decree was passed in the year 1972, i.e., before 47 years, this Court directs the X Assistant Judge, City Civil Court, Chennai to take up the Execution Petition on day-to-day basis and complete the same within a period of one month from the date of receipt of copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of.
No costs.

msr
Index:yes/no
Internet:Yes/no
speaking order/non speaking order
Note: Issue copy on 1.7.2019

27.06.2019

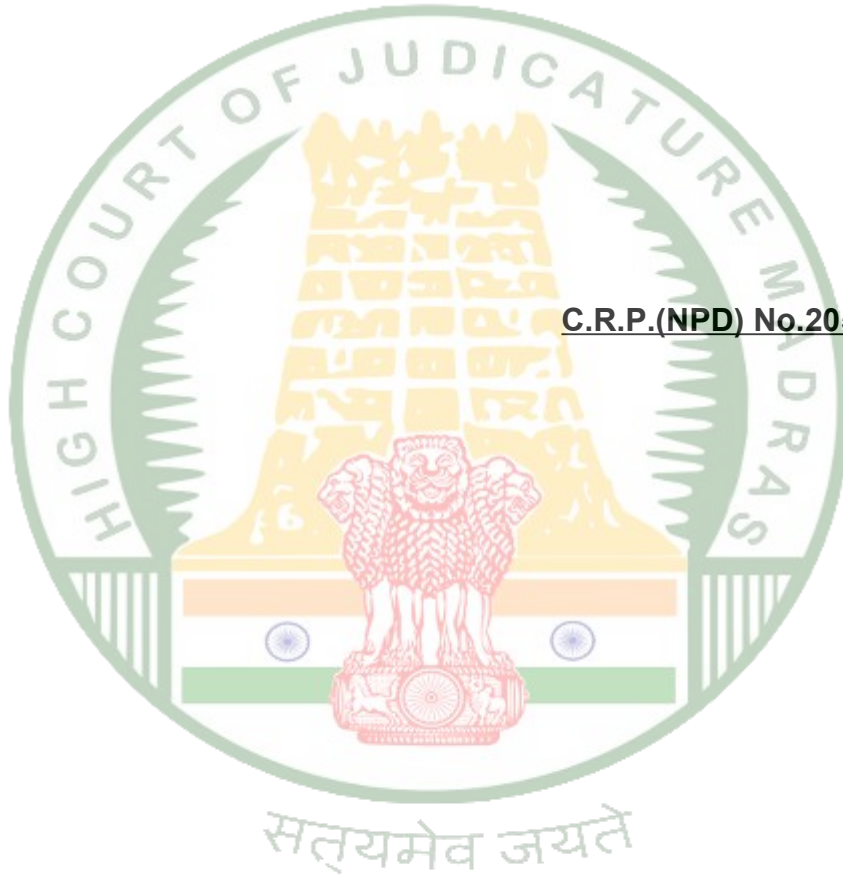
To

The X Assistant Judge, City Civil Court, Chennai.

सत्यमेव जयते
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M.GOVINDARAJ, J.

msr



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