

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(NPD)No.2935 of 2019

1.Joseph Jerome
2.P.J.Denny
3.P.J.Fanteena Mary

... Petitioners

Vs.

L.Sarlet Beni

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India praying to issue a direction to dispose of the E.P.No.4 of 2019 in R.C.O.P.No.73 of 2016 on the file of District Munsif Court at Ambattur within a time frame as fixed by this Court.

For Petitioners : Mr.B.Deepak Narayanan

ORDER

This revision petition has been filed, invoking Article 227 of the Constitution of India, seeking for a direction to dispose of the execution petition in E.P.No.4 of 2019 in R.C.O.P.No.73 of 2016 on the file of the District Munsif Court, Ambattur, within a time frame.

2.I have heard the learned counsel appearing for the petitioners and I have gone through the materials placed before this Court.

3.It discloses that the E.P.No.4 of 2019 has been filed by the petitioners only on 15.02.2019 and within the six months period, now this Civil Revision Petition has been filed, invoking Article 227 of the Constitution of India and requesting this Court to exercise the superintending power of this Court to give a direction as prayed herein.

4.The invocation of Article 227 of the Constitution of India is only in respect of any failure on the part of the Subordinate Judicial Authority, in not exercising the power, which are vested with them or exceeding the power which has not been vested, or exercising the power, which are not vested with them. Herein the case in hand, there is no proof to show that the action of the Court below comes under any of the above three categories and therefore, the invocation of Article 227 of the Constitution of India would not arise in this case. But, any how, since the E.P.No.4 of 2019 is pending from February 2019, subject to other earlier E.Ps. filed and are pending before the said Court, the Court below can decide this execution petition i.e., E.P.No.4 of 2019 also on merits and in accordance with law, as early as possible.

5.With this observation, the Civil Revision Petition is dismissed.

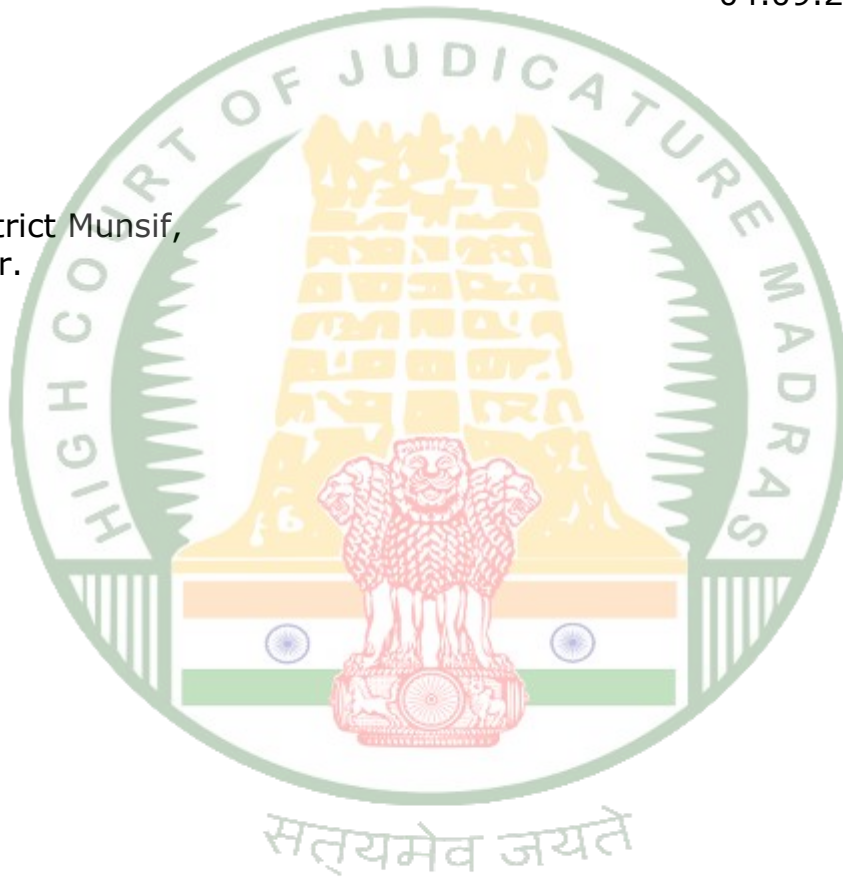
No costs.

04.09.2019

Sgl

To

The District Munsif,
Ambattur.



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R.SURESH KUMAR, J.

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