

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 3112 of 2019

1. Chinnaponnu

2. Kohilavanan ... Petitioners

-Vs-

1. Palanivel

2. Ayappan (Minor)

3. Pakkirisamy ... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India directing the Additional District Munsif Court at Mayiladuthurai, Nagapattinam District to dispose expeditiously, most preferably within three months, the Execution Petition in E.P. No. 1 of 2019 in O.S. No. 273 of 2013.

For Petitioners : Mr. S. Rajendiran

ORDER

This Civil Revision Petition has been filed with the prayer seeking a direction from this Court to the Additional District Munsif Court, Mayiladuthurai, Nagapattinam District, to dispose of E.P. No. 1

of 2019 in O.S. No. 273 of 2013 expeditiously, most preferably within three months.

2. On 20.09.2019, the concerned Court i.e., Additional District Munsif Court, Mayiladuthurai, Nagapattinam District, was directed to send a report about the current status of the said case, pursuant to which, the learned Judge, by letter dated 30.09.2019, has sent the following report:

" With most respectfully, I submit that the total pendency of E.P. is 183. I submit that the case report of E.P. No. 1 of 2019 in O.S. No. 273 of 2013 on the file of Additional District Munsif Court, Mayiladuthurai.

I humbly submit that, the E.P. No. 1 of 2019 in O.S. No. 273 of 2013 was filed on 03.01.2019. Notice issued to the respondent on Batta and the hearing posted on 21.01.2019. But the Batta was returned. Then fresh Batta paid on 12.02.2019. Notice also served to respondents 1 and 2 Advocate Mr. R. Karthikeyan filed vakalath for R1 and R2 and G. Jagadharaj, Advocate filed vakalath for R3.

I further humbly submit that for the purpose of counter, hearing posted on 12.03.2019, 03.04.2019, 06.06.2019, 13.06.2019, 15.07.2019, 06.08.2019, 29.08.2019 and 24.09.2019. On 24.09.2019, hearing posted for counter on 01.11.2019.

I am further submitting that the Additional District Munsif post is vacant and Principal District Munsif, Mayiladuthurai holding Full Addition Charge and status report of E.P. No. 1 of 2019 in O.S. No. 273 of 2013 submitted four your Honours kind information."

3. I have perused the same. In view of the said report having been sent by the learned Judge stating that, the Additional District Munsif post is vacant and the Principal District Munsif, Mayiladuthurai is holding full in charge, where it cannot expect that the EP in question can be decided immediately, in view of the work load and pending more number of cases.

4. In view of the aforesaid facts and circumstances, this Court is inclined to dispose of the Civil Revision Petition with a direction to the Court below to decide the EP as expeditiously as possible.

5. With this observation, this Civil Revision Petition is disposed of. No costs.

25.11.2019

Index: Yes / No

Speaking order / Non Speaking order

vji

R. SURESH KUMAR, J.

vji

To

The Additional District Munisf Court,
Mayiladuthurai,
Nagapattinam District.



C.R.P. (PD) No. 3112 of 2019

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