

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P. No.3868 of 2019

M.Gangadharan

... Petitioner

-Vs-

1.S.Chandra

2.S.Murugan

3.S.Ramesh

4.S.Jaishankar

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to direct the Subordinate Judge, Kanchipuram to decide and dispose of the Execution Petition in E.P.No.86 of 2016, pending on the file of the Subordinate Judge, Kanchipuram within a stipulated time by this Honourable Court.

For Petitioner : Mr.C.Vigneswaran

ORDER

This revision has been filed seeking a direction to the Subordinate Judge, Kanchipuram to decide and dispose of the Execution Petition in E.P.No.86 of 2016, pending on the file of the Subordinate Judge, Kanchipuram within a stipulated time by this Honourable Court.

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2. Heard the learned counsel for the petitioner, who would submit that, the suit was decreed for recovery of possession, for which Execution Petition in E.P.No.86 of 2016 was filed by the decree holder, where already the respondents / judgment debtors were set exparte and in order to set aside the exparte order

R.SURESH KUMAR, J.

KST

passed in the E.P., they filed E.A.No.41 of 2017 and because of the pendency of the E.A., the E.P., has not been proceeded with and there has been no considerable progress made in the E.A., and therefore the petitioner is before this Court seeking the above prayer.

3. I have considered the submissions made by the learned counsel for the petitioner. Admittedly an E.A., has been filed by the respondents, which is pending, unless the said E.A., is decided, the E.P., cannot be proceeded further. Therefore, there cannot be any direction to the Court below to decide the E.P., within a time frame, as before which the E.A., pending has to be decided.

4. In that view of the matter, this Civil Revision Petition is disposed of, with a direction to the Court below to decide E.A.No.41 of 2017 in E.P.No.86 of 2016, within a period of 60 (sixty) days from the date of receipt of a copy of this order and thereafter proceed to decide the E.P.No.86 of 2016 as early as possible. No costs.

28-11-2019

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To

The Subordinate Judge, Kanchipuram

C.R.P. (PD) No.3868 of 2019