



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(MD) No.654 of 2019

Ravi ... Petitioner/Petitioner/Plaintiff

vs.

Malaiyarasu ... Respondent/Respondent/Defendant

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to direct the learned Additional District and Sessions Judge, Theni District at Periyakulam to dispose of the Execution Application in E.A.No.13 of 2017 in E.P.No.60 of 2016 in O.S.No.51 of 2014 pending on his file as expeditiously as possible within a time stipulation as fixed by this Court.

For Petitioner : Mr.A.Kesavan

ORDER

This Civil Revision Petition has been filed to direct the learned Additional District and Sessions Judge, Theni District at Periyakulam to dispose of the Execution Application in E.A.No.13 of 2017 at the earliest.

2.Before the trial Court, the petitioner herein is the plaintiff and the respondent herein is the defendant. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3.The plaintiff contended that E.P.No.60 of 2016 was filed on 19.08.2016 and the sale deed, which was registered in the Sub Registrar Office, Kambam, was executed on 24.01.2017 and after executing the sale deed dated 24.01.2017, the said E.P., was disposed of. Subsequently, the plaintiff filed E.A.No.13 of 2017 for the relief of delivering the registered property and the same is also in the occupation of the defendant/judgment debtor. The plaintiff is aggrieved by the pendency of E.A.No.13 of 2017, which is pending before the Court below.

4.Further, the plaintiff in his affidavit contended that on 27.06.2017, one Deivarathi, who is the sister of the defendant, filed the applications under Order XXI Rule 58 of CPC in E.A.Nos.39 and 40 of 2017 and made objection for delivering the suit schedule property to the plaintiff.

5.Further, the plaintiff contended that after the execution of the said sale deed dated 24.01.2017 and also registration of the same, E.P.No.60 of 2016 was disposed of. Despite the above said



fact, since the defendant has not given delivery of the suit schedule property, an application in E.A.No.13 of 2017 was filed by the plaintiff, which is now pending before the Executing Court.

6.Now, the grievance of the plaintiff is that he has filed E.A.No.13 of 2017 for delivery of possession and that has to be heard by the Court below in a speedy manner. It is further contended by the plaintiff that he has filed a counter for the said applications, whereas, E.A.Nos.39 and 40 of 2017 are also pending. Further, from the records, it is seen that E.A.Nos.39 and 40 of 2017 are pending and the plaintiff is only seeking for speedy disposal of E.A.No.13 of 2017 for delivery of possession.

7.In view of the above, the learned Additional District and Sessions Judge, Theni District at Periyakulam is directed to dispose of the Execution Application in E.A.No.13 of 2017 within a period of three months from the date of receipt of a copy of this order.

8.This Civil Revision Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

The Additional District and Sessions Judge,
Theni District at Periyakulam.

+1CC TO MR.A.KESAVAN, Advocate Sr. No. 58282

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TR (26.04.2019) 2P 3C