



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2019

CORAM

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THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P.(PD) (MD)No.1105 of 2019

Ulagammal (Died)

1.Vijayalakshmi

2.Alagammal

... Petitioners/2, 5 Petitioners/
2, 5 Plaintiffs

Vs.

1.Annalakshmi

2.Packiyalakshmi

3.Sivaramakrishnan

4.Shankar

5.Subbaiah Thevar

... Respondents/3,4,6,7 Petitioners/
3, 4, 6, 7 Plaintiffs

(Cause title accepted vide Court order dated 28.06.2019
made in CMP(MD) No.4956 of 2019 in CRP (MD) SR 17756/2019)

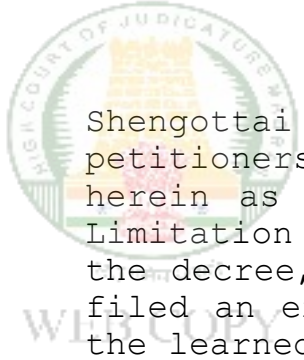
PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif to dispose the E.P.No.14 of 2018 in O.S.No.129 of 2007 on the file of the District Munsif Court, Shengottai within a time fixed by this Court.

For Petitioner : Mr.R.J.Karthick

ORDER

The revision petitioners are petitioners 2 and 5 in E.P.No.14 of 2018 in O.S.No.129 of 2007 on the file of the learned District Munsif, Shengottai.

2.In earlier the mother of the petitioners and respondents 1 to 4 as plaintiffs have filed the suit for declaration and for recovery of possession in O.S.No.129 of 2007 on the file of learned District Munsif, Shengottai. On 06.08.2009, the learned District Munsif,



Shengottai passed the ex parte decree in favour of the mother of the petitioners. As against the ex-parte decree, the fifth respondent herein as the petitioner has filed a petition under Section 5 of Limitation Act and the same has been dismissed and thereupon, as per the decree, the mother of the petitioners herein as petitioner has filed an execution application in E.P.No.14 of 2018 on the file of the learned District Munsif, Shengottai, for delivery.

3.As of now the said application filed by the petitioner is posted for carry out the amendment and for filing 'APC'. In otherwise, on going through the entries made in 'B' diary, the execution petition has been filed by the petitioner is progressed without any delay. Since the said execution proceedings are initiated in the year of 2018, we cannot come to the conclusion that the learned District Munsif, Shengottai is keeping the said bundle without any progress. Thereby, it is not a fit case for giving direction to the learned District Munsif.

4.In the result, this Civil Revision Petition is disposed of. However since the suit filed by the mother of the petitioner and respondents 1 to 4 was of the year of 2007, the learned District Munsif, Shengottai, is directed to dispose of the said E.P No.14 of 2018 in O.S.No.129 of 2007 as early as possible. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Munsif, Shengottai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-75526[F] dated 16/07/2019)

C.R.P. (PD) (MD) No.1105 of 2019
16.07.2019

cp
JMN(13.08.2019) 2P : 3C