



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2019

CORAM

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P (MD) No.1169 of 2019

Madurai Town, Bibikulam Nethaji Main Road
Arulmigu Ayyanaar Koil,
Arulmigu Muniyandieswarar Temple,
rep. by its Trustees

Aruchunan (died)

1.N.Dharmar

2.S.Chellamayandi

Gunasekaran (died)

3.Muthusamy

4.Periyasamy

5.M.Kalyani

.. Petitioners/ Plaintiffs

Vs.

Karuppayee

.. Respondent/ Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned Principal District Munsif, Madurai to expeditiously hear the Execution Petition in EP No.72 of 2015 in O.S.No.1580 of 2004 by fixing the time frame pending on the file of the Principal District Munsif Court, Madurai.

For petitioners : Mr.R.Ramanathan

ORDER

This civil revision petition has been filed by the petitioners/ plaintiffs seeking for a direction to the learned Principal District Munsif, Madurai to dispose of the Execution Petition in E.P.No.72 of 2015 in O.S.No.1580 of 2004 within a stipulated time.



2. According to the petitioners/plaintiffs, they have filed the suit in O.S.No.1580 of 2004 for the reliefs of declaration and recovery of possession in respect of the suit property before the Additional District Munsif Court, Madurai Town and the suit was decreed on 15.11.2005. To execute the said decree, the petitioners / plaintiffs have filed E.P.No.72 of 2015. The grievance of the petitioners is that though the execution petition has been filed in the year 2015, the same has been adjourned on several occasions without any valid reason and on 10.06.2019, the execution petition has been transferred to the file of the Principal District Munsif Court, Madurai Town, as per proceedings of the Principal District Court, Madurai in ROC.No.3305/19, dated 02.04.2019. Therefore, they have filed this revision petition seeking a direction for early disposal of E.P.No.72 of 2015.

3. Heard the learned counsel for the petitioners/plaintiffs. In view of the limited relief sought for by the petitioners/plaintiffs and also considering the fact that the disposal of the execution petition would not cause any prejudice to the respondent/defendant, this Court is of the view that notice need not be sent to the respondent/ defendant.

4. Considering fact that E.P.No.72 of 2015 has been pending from 2015 onwards and also considering the submission of the learned counsel appearing for the petitioners/plaintiffs, this Court, is inclined to direct the Court below to dispose of E.P.No.72 of 2015 in O.S.No.1580 of 2004 on merits and in accordance with law as early as possible, preferably within a period of four months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the suit.

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

Sd/-

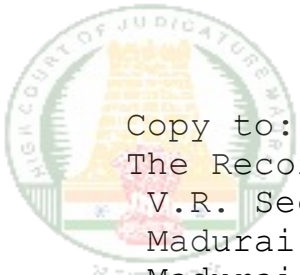
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

<https://hcservices.courtsofmadurai.org/https://hcservices.courtsofmadurai.org/>
The Principal District Munsif,
Madurai.



Copy to:

The Record Keeper,

V.R. Section,

Madurai Bench of Madras High Court,

Madurai. (2 copies)

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+1 CC to Mr.R.RAMANATHAN, Advocate (SR-78297[F] dated
29/07/2019)

**ORDER MADE IN
C.R.P (MD) No.1169 of 2019
29.07.2019**

smn

AE/(09.08.2019) 3P 5C