



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRP(MD) No.1140 of 2019

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Ponnarasu

... Petitioner/Plaintiff

versus

Rajesh Panneerkumar

... Respondent/Defendant

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned III Additional District Judge, Tirunelveli, to dispose the Execution Petition in E.P.No.32 of 2011 in O.S.No.42 of 2006 on the file of the learned III Additional District Judge, Tirunelveli, within a time frame.

For Revision Petitioner : M/s.Niranjana S.Kumar

ORDER

The revision petitioner is the plaintiff in O.S.No.42 of 2006 on the file of the learned First Additional District Judge, Tirunelveli. On 15.07.2009, after elaborate trial, the learned trial Judge, decreed the suit in favour of the plaintiff/revision petitioner. Aggrieved over the said decree, passed in the said suit, the respondent herein preferred an appeal before this Court in A.S.No.261 of 2009, in which, the decree and Judgment passed by the trial Court was upheld, vide decree and judgment dated 23.02.2010.

2. Thereafter, the respondent herein preferred a Special Leave Petition in SLP No.15428 of 2010 before the Hon'ble Supreme Court and the same was dismissed on 04.01.2011. After the dismissal of SLP, the respondent preferred a review petition in Review Petition No.4663 of 2011 before the Hon'ble Apex Court and the same has also been dismissed on 25.01.2012. Immediately, after the dismissal of the review petition, the revision petitioner preferred an Execution Petition before the learned III Additional District Judge, Tirunelveli, and prayed to execute the decree. When the said Execution Petition is pending, on 18.02.2011, the revision petitioner was abducted to Kalakad Police Station and under coercion, the respondent herein got the signature of the revision petitioner and managed to execute a sale deed in favour of his wife. Thereafter, on receiving the sale deed, which stands in the name of the respondent's wife, the Execution Court dismissed the Execution Petition, against which, the revision petitioner preferred this Civil Revision Petition in CRP(MD) No.1666 of 2016 and this Court, on 03.09.2018, allowed the said Civil Revision Petition and ultimately, the order passed by the Execution Court was set aside and the Execution Petition was remanded back to the Execution Court



for fresh disposal. But, the learned First Additional District Judge has not disposed of the Execution Petition till date. Only in the said circumstances, the petitioner has approached this Court with the prayer for a direction to dispose of the said Execution Petition in a time frame manner.

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3. Heard the arguments advanced by the learned counsel appearing for the revision petitioner.

4. On perusal, it reveals that the suit pertaining to the Execution Petition was filed in the year 2006 and thereafter, the Decree passed by the trial Court was challenged upto the Hon'ble Apex Court and ultimately, the said decree was confirmed. Only based on the said decree, the revision petitioner filed the Execution Petition before the said Court. On going through the notes papers maintained in the Execution Petition, it appears that as of now, the petition under Section 47 C.P.C has been filed in the Execution Court and the same was pending for enquiry. In the said circumstances, considering the period on which the suit was filed, it is appropriate to give some directions to the learned III Additional District Judge, Tirunelveli, for early disposal of E.P.No.32 of 2011 in O.S.No.42 of 2006. Accordingly, the learned III Additional District Judge, Tirunelveli, is directed to dispose of E.P.No.32 of 2011 in O.S.No.42 of 2006, within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

The learned III Additional District Judge,
Tirunelveli.

+1 CC to MR.NIRANJAN.S.KUMAR, Advocate (SR-75775[F] dated 17/07/2019)

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MK (25.07.2019) 2P 3C