



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.09.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD)No.1532 of 2019

S.A.Abdul Rahim
Rep. by his Power Agent,
T.M.Syed Ibrahim

... Petitioner

versus

1. Kalimuthu
2. Boomi
3. Thangasamy
4. Ravi
5. Sabur Nishal Beevi
6. Mithaar Nishal Beevi
7. Surathu Beevi
8. Muthu Mamuthu
9. Zeenath Nishal Beevi

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, seeking a direction for speedy disposal of E.A.No.28 of 2018 in E.P.No.1 of 2016 in O.S.No.34 of 2004 pending on the file of District Magistrate cum Judicial Magistrate, Ilayankudi, within a time stipulated by this Court.

For Petitioner : Mr.R.Ramadurai

For Respondents : No appearance

ORDER

Originally, the revision petitioner filed a suit in O.S.No.34 of 2004 before the District Munsif cum Judicial Magistrate, Ilayankudi, seeking declaration declaring that he is the owner of the suit schedule property and also for the relief of Ad-interim injunction, directing the defendants to demolish the building constructed by them illegally in the suit schedule property and hand over the possession to the plaintiff. The said suit was decreed on 14.10.2015, in favour of the plaintiff/revision petitioner. In order to execute the said decree, the plaintiff/revision petitioner filed E.P.No.1 of 2016. Pending the same, the first respondent herein, who is a third party to the suit, filed a claim application in E.A.No.28 of 2018, claiming that he is owner of the suit property and he is in possession of the property from the year 2000. As the



said Execution Petition is pending from the year 2016, the plaintiff/revision petitioner is before this Court.

2. The learned counsel appearing for the revision petitioner that the first respondent, in order to prevent the Executing Court from passing any orders in the Execution Petition, took adjournments from time to time. Therefore, the revision petitioner seeks direction of this Court for speedy disposal of E.A.No.28 of 2018 in E.P.No.1 of 2016 in O.S.No.34 of 2004 pending on the file of District Munsif cum Judicial Magistrate, Ilayankudi.

3. Considering the facts and circumstances of this case and also considering the submissions made by the learned counsel appearing for the revision petitioner, this Court directs the learned District Munsif cum Judicial Magistrate, Ilayankudi, to dispose of E.A.No.28 of 2018 as well as E.P.No.1 of 2016, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar

To

The District Munsif cum
Judicial Magistrate,
Ilayankudi.

+1 CC to M/s.R. RAMADURAI, Advocate (SR-84971[F] dated 03/09/2019)

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