

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.07.2019****CORAM****THE HONOURABLE MR.JUSTICE R.PONGIAPPAN****C.R.P. (PD) (MD) No.1133 of 2019**

WEB COPY

Thangavel

... Petitioner

Vs.

1.Palaniammal

2.Chinnathai

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the speedy disposal of E.P.No.135 of 2012 in O.S.No.51 of 2011 on the file of the Subordinate Judge, Palani within time stipulated by this Court.

For Petitioner : Mr.R.Ramadurai

ORDER

This civil revision petition has been filed to direct the speedy disposal of E.P.No.135 of 2012 in O.S.No.51 of 2011 on the file of the learned Subordinate Judge, Palani, within the time stipulated by this Court.

2.The revision petitioner is the plaintiff in O.S.No.51 of 2011 on the file of the learned Subordinate Judge, Palani. Initially, the petitioner filed a suit for the relief of partition and also for the relief of declaration, declaring that the gift deed dated 04.03.2010, is null and void. In the judgment rendered by the learned Subordinate Judge, Palani, decree was granted by stating that the petitioner/plaintiff is entitled 7/8 share in the suit property. In fact, the said decision arrived by the learned Subordinate Judge, Palani, on 18.04.2011. Subsequently, the respondents have not filed any appeal for challenging the decree passed as above.

3.Based on the said decree, the petitioner filed an execution petition in E.P.No.135 of 2012 on the file of the learned Subordinate Judge, Palani. After enquiry, the said Court passed an order of delivery on 25.06.2013 and on the basis of the said order, Amin has visited the suit property on 25.07.2012 for taking delivery of the suit property.

4.In the mean time, the respondents have filed the petitions in E.A.No.158 of 2013, E.A.No.159 of 2013 and E.A.No.212 of 2015 to stall the proceedings of E.P. After filing those applications, further progress in the E.P are all stalled without any progress. Only in the said circumstances, the petitioner has approached this Court by way of filing this petition. It is unfortunate that after



getting decree in the year of 2011 the petitioner is running from pillar to post to obtain the fruits of the decree. In the absence of any appeal or revision, keeping those applications by the learned Subordinate Judge, is not fair on his part. Hence, the prayer sought for the petitioner is a reasonable one.

5. Because of the said reason, I am of the considered opinion that it is a fit case for giving direction to the learned Subordinate Judge, Palani. Hence, the learned Subordinate Judge, Palani, is directed to dispose of E.P.No.135 of 2012 in O.S.No.51 of 2011, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge, Palani

+1 CC to Mr.R.RAMADURAI, Advocate (SR-75389[F] dated 16/07/2019)

C.R.P. (PD) (MD) No.1133 of 2019

16.07.2019

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