



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 31.07.2019

CORAM

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

**C.R.P (MD) .No.1222 of 2019**

Rosammal

... Petitioner/  
1<sup>st</sup> respondent/1<sup>st</sup> respondent/  
Petitioner / Plaintiff

Vs.

1.Stella

... 1<sup>st</sup> respondent /  
Petitioner / Petitioner/3<sup>rd</sup> party/  
3<sup>rd</sup> party

2.Rasu

... 2<sup>nd</sup> respondent/  
2<sup>nd</sup> respondent/2<sup>nd</sup> respondent/  
Respondent/ Defendant

**PRAYER:-** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif cum Judicial Magistrate, Thiruvadanai, to dispose of E.A.No.25 of 2018 in E.A.No.3 of 2017 in E.P.No.24 of 2016 in O.S.No.21 of 2016 on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai, within a stipulated time.

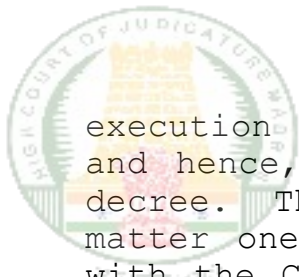
For petitioner

: Mr.PT.S.Narendravasan

**ORDER**

This civil revision petition has been filed by the petitioner seeking a direction to the learned District Munsif cum Judicial Magistrate, Thiruvadanai, to dispose of the applications in E.A.No.25 of 2018 in E.A.No.3 of 2017 in E.P.No.24 of 2016 in O.S.No.21 of 2016 pending on his file, within a stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner has filed the suit in O.S.No.21 of 2016 for declaration and recovery of possession against the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent remained ex parte before the Court below. The Court below, after considering the facts and circumstances of the case, has decreed the suit on 25.07.2016. Thereafter, the petitioner filed E.P.No.24 of 2016 for execution of the decree. While so, the first respondent herein, who is the third party to the suit, filed E.A.No.3 of 2017 raising objection and subsequently, the first respondent filed E.A.No.25 of 2018 seeking to amend the affidavit in



execution proceedings has been pending from the year 2016 onwards and hence, the petitioner is not able to enjoy the fruits of the decree. The first respondent has been intentionally dragging on the matter one way or the other. The petitioner is ready to cooperate with the Court below. Hence, she has filed this revision petition seeking a direction for early disposal of the execution proceedings.

3. Heard the learned counsel for the petitioner.

4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondents by ordering this petition, this Court is of the view that notice need not be sent to the respondents.

5. Considering the limited relief sought for by the petitioner and also the year of the execution petition, this Court, without going into the merits of the case, is inclined to issue the following direction to the Court below:

The learned District Munsif cum Judicial Magistrate, Thiruvadanai, is directed to conduct the case on day-to-day basis and dispose of execution applications as well as the execution proceedings in E.A.No.25 of 2018 in E.A.No.3 of 2017 in E.P.No.24 of 2016 in O.S.No.21 of 2016 on merits and in accordance with law, as expeditiously as possible, preferably within a period of four weeks 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 case.

6. This revision petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

gcg

To

The District Munsif cum Judicial Magistrate,  
Thiruvadanai.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate ( SR-78805[F] dated 31/07/2019 )

C.R.P (MD) .No.1222 of 2019  
31.07.2019

KK/SAR/28.08.2019/2P-3C/