



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2019

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1358 of 2019

Thiburtius (died)

- 1.Juliet Poorna Selvarani
- 2.T.Navis Rajakumar
- 3.T.Michael Merlinkumar
- 4.T.Michael Jerinkumar

... Petitioners/
Petitioners

Vs.

Chandra George (died)

- 1.Maria Raja Rethinam
- 2.C.Ida
- 3.C.Grand
- 4.C.Ralban

... Respondents/
Respondents

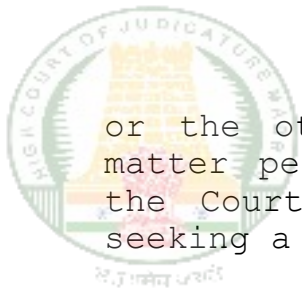
PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned I-Additional Subordinate Judge, Nagercoil, to expedite the trial and dispose of the E.P.No.11 of 2016 within a time frame.

For petitioners : Mr.R.Nandakumar

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned I-Additional Subordinate Judge, Nagercoil, to dispose of E.P.No.11 of 2016 in O.S.No.74 of 1997 pending on his file, within a stipulated time.

2. The learned counsel for the petitioners submitted that the original plaintiff filed the suit in O.S.No.74 of 1997 for specific performance and obtained decree in his favour on 13.12.2001. In order to execute the decree, the original plaintiff filed E.P.No.56 of 2002. But, the same was closed on 22.03.2013 in view of the pendency of C.M.A.No.21 of 2007. The original plaintiff, thereafter, filed E.P.No.11 of 2016 for execution of the decree. During the pendency of the same, the original plaintiff died and therefore, the petitioners were impleaded as his legal heirs. The grievance of the petitioners is that though the 2nd execution petition ie. E.P.No.11 of 2016 has been filed in the year 2016, the respondents have been intentionally dragging on the matter one way



or the other and the Court below also has been adjourning the matter periodically. The petitioners are ready to cooperate with the Court below. Hence, they have filed this revision petition seeking a direction for early disposal of E.P.No.11 of 2016.

3. Heard the learned counsel for the petitioners.

4. In view of the limited relief sought for by the petitioners 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 petitioners in this petition, year of the E.P. and stage of the petition, this Court, without going into the merits of the case, is inclined to issue the following direction to the Court below:

The learned I-Additional Subordinate Judge, Nagercoil, is directed to dispose of E.P.No.11 of 2016 in O.S.No.74 of 1997 on merits and in accordance with law as expeditiously as possible, preferably within a period of six 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 case.

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

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

gcg

To

1.The I-Additional Subordinate Judge,
Nagercoil.

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TR (26.08.2019) 2P 2C