



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP (MD)No.1515 of 2019
and
CMP (MD)No.7971 of 2019

Madan Benet
Rep. by his Power Agent Kokila ... Petitioner/Appellant/
Defendant

versus

1. Sivasubramaniya Nadar
2. Baby ... Respondents/Respondents/
Plaintiffs

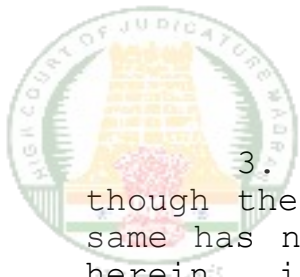
Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the learned Sub Judge, Tuticorin to dispose of the application in I.A.No.251 of 2017 in A.S.No.82 of 2017 on the file of the learned Sub Judge, Tuticorin, within a time limit to be fixed by this Court.

For Petitioner : Mr.KA.Ramakrishnan

ORDER

The revision petitioner is the defendant in O.S.No.325 of 2012 on the file of the learned Principal District Munsif, Tuticorin.

2. Originally, the respondents herein filed the suit in O.S.No.352 of 2012 for permanent injunction, restraining the defendant/revision petitioner from interfering with their peaceful possession and enjoyment of the suit property. On the contrary, the revision petitioner also filed counter claim for declartion of suit schedule property. But, the trial Court allowed the suit filed by the respondents herein and dismissed the counter claim made by the revision petitioner. Aggrieved over the same, the revision petitioner filed an appeal in A.S.No.82 of 2017 before the Sub Court, Tuticorin. The revision petitioner has also filed an application in I.A.No.251 of 2017 seeking stay of execution of decree dated 12.07.2017 passed in O.S.No.325 of 2012.



3. Now, it is the case of the revision petitioner that though the said application has been filed in the year 2017, the same has not been disposed of till date. Further, the respondents herein, in order to drag on the proceedings, took several adjournments for filing counter. Hence, the revision petitioner is before this Court.

4. The learned counsel appearing for the revision petitioner submitted that in order to execute the said decree, the respondents herein are intentionally getting adjournments for filing counter. If the decree is executed, the revision petitioner will be put to irreparable loss and hardship.

5. Further, the learned counsel for the petitioner submitted that the respondents are making an attempt to open a shop in view of the decree passed in their favour. Hence, the learned counsel seeks direction to the learned Sub Judge, Tuticorin, to dispose of the application in I.A.No.251 of 2017 in A.S.No.82 of 2017.

6. Considering the fact that the stay application is pending from the year 2017 onwards, the learned Sub Judge, Tuticorin, shall consider the facts and circumstances of the case and dispose of the application in I.A.No.251 of 2017 in A.S.No.82 of 2017, as early as possible, preferably within a period of four months.

7. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge, Tuticorin.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

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