



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD) No.1640 of 2019

Thangaraj

... Petitioner

versus

1. Pownraj
2. G.M.Baskaran

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the Principal District Munsif Court, Dindigul, to dispose of E.A.No.256 of 2018 in E.P.No.103 of 2010 in O.S.No.1040 of 2004, within a time to be stipulated by this Court.

For Petitioner : Mrs.S.Prabha

ORDER

The revision petitioner is the auction purchaser. Originally, the first respondent herein filed a suit in O.S.No.1040 of 2004 as against the second respondent, for recovery of a sum of Rs.74,675/- with interest, based on the promissory note executed by him. The said suit was decreed by the Principal District Munsif Court, Dindigul, on 07.09.2004.

2. In order to execute the said decree, the first respondent filed E.P.No.103 of 2010 as against the second respondent. In the said Execution Petition, the property belonging to the 2nd respondent was attached and the same was brought to the public auction. The revision petitioner participated in the court auction and purchased the suit property vide a sale certificate issued by the Principal District Munsif Court, Dindigul, on 21.11.2016.

3. The 2nd respondent/defendant filed E.A.No.148 of 2017 under Order 21 Rule 47 C.P.C. seeking to declare the suit proceeding as null and void on the ground that the property attached in the Execution Petition was a joint family property and not a self-acquired property. In the said application, the revision petitioner filed a counter contending that he is an auction purchaser of the property by paying the valuable sale consideration. In the said E.A.No.148 of 2017, the applicant, without arguing the case, was taking time unnecessarily. Hence, the revision petitioner filed CRP (MD) No.2418 of 2018 before this Court, seeking a direction to the Court below for speedy disposal. The said petition was disposed of, by order dated 30.10.2018, directing the Court below to dispose of E.A.No.148 of 2018, on merits and in accordance with law, within a



period of three months from the date of receipt of a copy of that order. Thereafter, the second respondent withdrew the said application on 21.12.2018 as not pressed.

4. Now, it is the grievance of the revision petitioner that the second respondent once again filed E.A.No.256 of 2018 and is dragging on the said proceedings. This would affect the right of the revision petitioner from enjoying the property, which was purchased by him through the Court auction. Hence, this petition has been filed seeking a direction to the Principal District Munsif Court, Dindigul, to dispose of E.A.No.256 of 2018 in E.P.No.103 of 2010 in O.S.No.1040 of 2004, within a time to be stipulated by this Court.

5. Considering the facts and circumstances of this Court and also considering the limited prayer sought for in this petition, this Court is inclined to direct the Principal District Munsif Court, Dindigul, to dispose of E.A.No.256 of 2018 in E.P.No.103 of 2010 in O.S.No.1040 of 2004.

6. Accordingly, the Principal District Munsif Court, Dindigul, is directed to dispose of E.A.No.256 of 2018 in E.P.No.103 of 2010 in O.S.No.1040 of 2004, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal District Munsif ,
Dindigul.

+1 CC to M/s.S.PRABHA, Advocate (SR-88236[F] dated 20/09/2019)

CRP (MD) No.1640 of 2019

20.09.2019

KK/SAR/14.10.2019/2P-3C/