



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD) No.1876 of 2019

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P. Kesavan ... Petitioner/Petitioner
Vs.

N. Murugan ... Respondent/Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking direction for a day to day trial and for a speedy disposal of E.A.No. 228 of 2012 in E.P.No. 51 of 2009 on the file of Sub Court, Uthamapalayam, within a time stipulated by this Court.

For Petitioner : Mr. G. Vanjinathan

ORDER

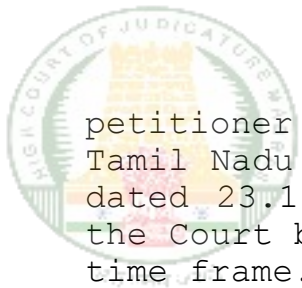
This Civil Revision Petition has been filed for issuing a direction to the learned Subordinate Judge, Uthamapalayam, to dispose of E.A.No. 228 of 2012 in E.P.No. 51 of 2009, pending on its file within a time frame to be fixed by this Court.

2. According to the petitioner, he filed a suit for specific performance and the same was decreed. Thereafter, he had filed E.A.No.228 of 2012 in E.P.No.51 of 2009, seeking delivery of possession and the same was pending for the past seven years without any progress. In such circumstances, he filed the present petition seeking a direction to dispose of the E.A.No. 228 of 2012 in E.P.No. 51 of 2009, at the earliest on day to day basis.

3. In view of the Judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, dated 23.11.2017, based on the order passed by the Hon'ble Supreme Court in ***W.P(Civil).No. 496 of 2002, (Salem Advocates Bar Association, Tamil Nadu Vs. Union of India)***, the learned counsel contended that Execution Application must be disposed of within a period of 12 months from the date of filing.

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

5. Considering the facts and circumstances of the case and also the submission made by the learned counsel appearing for the



petitioner and the judicial Judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, dated 23.11.2017, this Court is inclined to issue a direction to the Court below to dispose of the said Execution Petition within a time frame.

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6. Accordingly, the learned Subordinate Judge, Uthamapalayam, is hereby directed to dispose of E.A.No. 228 of 2012 in E.P.No. 51 of 2009, pending on its file, on day to day basis, within a period of two months from the date of receipt of a copy of this order.

7. This Civil Revision petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Sub Judge, Uthamapalayam.

+1CC TO MR.G.VANJINATHAN, Advocate Sr. No. 93256

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GRC(CO)

TR(12.11.2019) 2P 3C