



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD)No.1864 of 2019

WEB COPY

S.D. Omprakash

: Petitioner/Petitioner/
Petitioner/Landlord

Vs.

A. Yasmin

: Respondent/Respondent/Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking direction to the learned Additional District Munsif Court, Madurai Town to dispose expeditiously in E.P.No.70 of 2017 in RCOP.No. 144 of 2014 on the file of the Principal District Munsif Court, Madurai Town within the stipulated time.

For Petitioner

: Mr. M.V.R. Sriram

ORDER

This Civil Revision Petition has been filed for issuing a direction to the learned Additional District Munsif, Madurai, to dispose of E.P.No.70 of 2017 in RCOP.No. 144 of 2014, pending on its file within a time frame to be fixed by this Court.

2. According to the petitioner, the petitioner's father filed RCOP.No.144 of 2014, before the learned Principal District Munsif, Madurai Town, for eviction and the same was ordered on 09.12.2016. Thereafter, he has filed E.P.No. 70 of 2017 for delivery of possession. Since the petitioner's father died, the petitioner was impleaded as party to the proceeding. Thereafter, the said Execution Petition has been periodically adjourned without any progress. In such circumstances, he filed the present petition seeking a direction to dispose of the E.P.No.70 of 2017 at the earliest.

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 Petition 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 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.

6. Accordingly, the learned Additional District Munsif, Madurai Town, is hereby directed to dispose of the E.P.No.70 of 2017, pending on its file as expeditiously as possible, in any event, not later than four 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

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Principal District Munsif Court, Madurai Town.

+1 CC to M/s.M.V.R.SRIRAM, Advocate SR-93328.

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