



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD)No.1892 of 2019

WEB COPY

Suruli Bommaiah

... Petitioner / 1st respondent /
plaintiff

Vs.

1.J.Akila
2.Balasubramani
3.Jeyaraj
4.Logamani
5.Vasantha

... 1st respondent / 3rd party

.. Respondents 2 to 5/ defendants 1 to 4

6.J.Balamurugan

... 6th Respondent / 3rd party

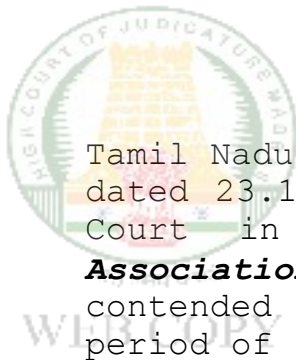
PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking direction to the learned District Munsif, Bodinaickkanur to dispose the E.A.No.17 of 2018 in E.P.No.33 of 2010 in O.S.No.10 of 2006 on the file of the District Munsif, Bodinacikkanur, within a stipulated time.

For Petitioner : Mr.K. Guhan

ORDER

This Civil Revision Petition has been filed for issuing a direction to the learned District Munsif, Bodinaickkanur, to dispose of E.A.No.17 of 2018 in E.P.No.33 of 2010 in O.S.No.10 of 2006, pending on its file within a time frame to be fixed by this Court.

2. The revision petitioner, who is the plaintiff, has filed a suit in O.S.No.10 of 2006, on the file of the learned District Munsif, Bodinaickkanur, for the relief of specific performance and the same has been decreed. Thereafter, the petitioner has filed E.P.No.33 of 2010 for delivery of possession. Pending Execution Petition, the 1st respondent has filed E.A.No.17 of 2018 on 25.06.2018. Subsequently, the petitioner has filed a counter affidavit in the said application. But, it has been periodically adjourned without any progress. Hence, the petitioner has come out with the present Civil Revision Petition before this Court.



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 respondents.

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 Application within a time frame.

6. Accordingly, the learned learned District Munsif, Bodinaickkanur, is hereby directed to dispose of E.A.No.17 of 2018 in in E.P.No.33 of 2010 in O.S.No.10 of 2006, pending on its file as expeditiously as possible, in any event, not later than 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

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The District Munsif, Bodinacikkanur.

+1 CC to M/s.K.GUHAN, Advocate SR-93849.

C.R.P (MD)No.1892 of 2019

23.10.2019

CS (13.11.2019) 2P 3C