



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.R.P.(MD)No.627 of 2011

Renjitham : Petitioner

vs.

1.Thankamony
2.Benadict Alexander : Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the docket order passed on 21.02.2011 in Unnumbered E.A.No. of 2011 in E.A.No.162 of 2010 in E.P.No.103 of 2008 on the file of the Principal District Munsif Court, Padhmanabhapuram in O.S.No.170 of 2003 on the file of the Additional District Munsif Court, Padmanabhapuram.

For Petitioner : Mr.D.Nallathambi
For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed for a direction to the learned Principal District Munsif, Padhmanabhapuram to number the execution application filed by the revision petitioner and to proceed with the same on merits, to terminate the proceedings in E.A.No.162 of 2010 in E.P.No.103 of 2008.

2.The revision petitioner is the defendant in the suit in O.S.No.170 of 2003 and suffered a money decree. Based on the decree in the suit, it appears that the property of the revision petitioner was brought to sale and the sale was also effected. However, in the meanwhile, the revision petitioner's appeal was allowed and the decree passed in O.S.No.170 of 2003 was set aside. Pursuant to this, the revision petitioner has filed an application to set aside the auction sale conducted in O.S.No.170 of 2003. Though this application was filed in the light of the fact that the decree originally passed in O.S.No.170 of 2003 had been set aside, it is yet to be numbered and the grievance of the petitioner is that the said application though filed, not yet numbered and disposed of.



3.It is unfortunate to see that the application is pending from 2011 and the revision petition itself is eight years old. Having regard to the subsequent events, the petition filed by the revision petitioner to set aside the sale has to be numbered and disposed of without further delay.

4.As a result, this petition is allowed and the Principal District Munsif, Padmanabhapuram, is directed to number and the Petition filed to set aside the sale agreement and to dispose of the same as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

cmr

To

1.The Principal District Munsif, Padmanabhapuram.

2.The Additional District Munsif, Padmanabhapuram.

+1CC TO M/S.D.NALLATHAMBI, SR NO.70558

C.R.P. (MD) No.627 of 2011
20.06.2019

BUC (27/06/2019) 2P/4C