

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

C.R.P(NPD).No.1017 of 2012

and

M.P.No.1 of 2012

N.B.Krishnamoorthy

... Petitioner

Vs.

1. P.R.Kumarasamy

2. P.R.Subbarayan

3. P.R.Varalakshmi

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of CPC, against the fair and decretal order passed in E.A.No.650 of 1996 in E.P.No.353 of 1995 in O.S.No.216 of 1995 dated 11.11.2011 on the file of the Principal District Munsif Court, Kancheepuram for dismissing the application filed by the petitioners under Order 21 Rule 97 to defer the warrant of delivery.

For Petitioner

: Mr.R.Singaravelan

Senior Counsel

assisted by Ms.M.Srividya

For Respondents

For R1 : Mr.P.Dinesh Kumar

For R2 and R3 : No Appearance

ORDER

This Civil Revision Petition has been filed by the petitioner/3rd Party against the dismissal of his application in E.A.No.650 of 1996 in E.P.No.353 of 1995 in O.S.No.216 of 1995 on the file of the Principal District Munsif, Kancheepuram dated 11.11.2011.

2. Heard Mr.R.Singaravelan, learned Senior Counsel assisted by Ms.M.Srividya, the learned counsel for the petitioner and Mr.P.Dinesh Kumar, the learned counsel for the first respondent.

3. The learned Senior Counsel for the petitioner has submitted that the petitioner herein who is a third party had filed an application in E.A.No.620 of 1996 under Order 21 Rule 97 of CPC to declare that he is not liable to be dispossessed from the suit property by the respondents 1 to 4 by way of executing the exparte decree obtained in the above case against fifth respondent and dismiss the EP.No.353 of 1995. He further

submitted that the petitioner herein had filed two more applications viz., E.A.No.650 of 1996 to defer the warrant in E.P.No.353 of 1995 till the disposal of the petition filed under Order 21 Rule 97 of CPC and E.A.No.651 of 1996 to stay all execution proceedings in E.P.No.353 of 1995 till the disposal of the E.A.No.620 of 1996. He further submitted that the learned Executing Court has dismissed the application in E.A.No.650 of 1996 by holding that the said application is pending for 15 years and the petitioner has not taken any steps for disposing of the said petition. He further submitted that the learned Executing Court also dismissed E.A.No.651 of 1996 by the separate order dated 12.07.2005 itself. He further submitted that under the said circumstances the Executing may be directed to dispose of the E.A.620 of 1996 at early.

4. The learned counsel for the first respondent also has agreed to dispose of this Civil Revision by giving aforesaid directions to the executing court.

5. Considering the aforesaid submissions, this Civil Revision Petition is disposed of with a direction that the learned Principal District

Munsif has to dispose of the E.A.No.620 of 1996 (petition filed under Order 21 rule 97 of CPC) within two weeks from the date of receipt of a copy of this order, if already the said petition is not disposed of. The learned Principal District Munsif, Kancheepuram, is further directed to dispose of the E.P.No.353 of 1995 within two months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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Vv

Index :Yes/No

Internet : Yes/No

Note: Issue order copy on or before 07.12.2020

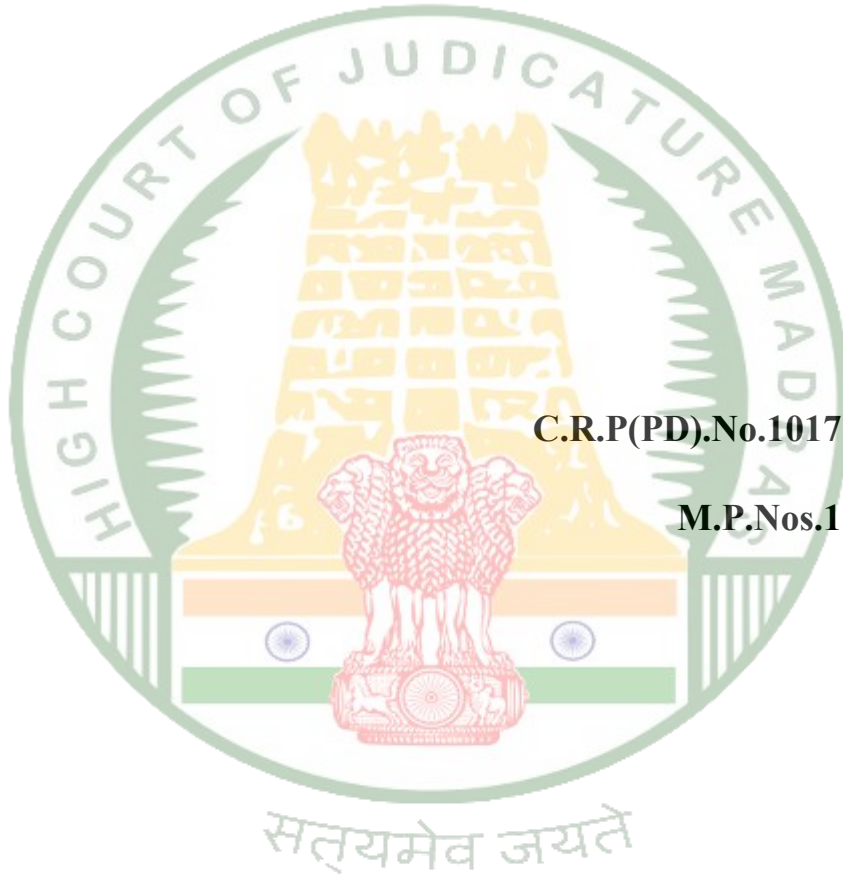
To

The Principal District Munsif Court,
Kancheepuram.

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P.RAJAMANICKAM.J.,

Vv



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