

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (NPD) 2753 of 2015
and
M.P. 1 of 2015

1. B.Malakondiah
2. B.Narasimmalu

... Petitioners

Versus

Thirupamma

... Respondent

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the order in Tr.O.P. 219 of 014 dated 20.03.2015 by the Hon'ble Principal Judge, City Civil Court, Chennai.

For Petitioners : M/s.Vincent and Vincent

For Respondent : Mr.R.Muthamizh

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioners application seeking to transfer E.P.

2158 of 2010 from the file of X Asst. City Civil Court, Chennai to the file of XI Asst. City Civil Court, Chennai.

2. The petitioners are judgment debtors. The respondent herein filed a suit in O.S. 2822 of 1999 for declaration and recovery of possession. The suit was decreed on 31.01.2005. Challenging the judgment and decree, the petitioners have filed an appeal in A.S. 534 of 2005, which was also dismissed on 06.12.2006. Thereafter, respondents/plaintiffs have filed an Execution Petition for delivery of possession. In the above E.P., the petitioners herein have filed an application under Sec.47 of C.P.C., that application came to be dismissed on 18.09.2013. Thereafter, the Execution Petition has been adjourned at the request of the petitioners for several times. Finally, the matter was listed on 26.11.2013. At that time, the petitioners have filed the present application seeking to transfer the Execution Petition, on the ground that, earlier against the order dismissing the petitioners application, they have filed a Civil Revision Petition before this court. When the adjournment was sought on that ground, the learned Trial Court has refused to grant adjournment. In those circumstances, they wanted to transfer

the E.P. to the other concerned Court. The above application has been dismissed by the court below, on the ground that, a refusal of adjournment would not be a ground for transfer. Challenging the same, the present Civil Revision Petition has been filed.

3. I have considered the submissions made by learned counsel appearing for petitioners as well as learned counsel appearing for respondent and perused the records carefully.

4. From the perusal of records, it could be seen that, the suit has been decreed on 31.01.2005, and the appeal filed by the petitioners was also dismissed on 06.12.2006 confirming the judgment and decree for declaration and possession. Thereafter, the Execution Petition has been filed in the year 2010, for more than 9 years, the respondent was not in a position to execute the decree, it is one more attempt on the part of the petitioner/judgment debtor to drag on the E.P. The Trial Court, on considering the same, has rightly dismissed the application. There is no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. However, the Execution Court is directed to dispose the E.P.

within a period of three months from the date of receipt of copy of this order. No costs. Consequently, the connected Miscellaneous Petition in M.P. 1 of 2015 is closed.

06.01.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

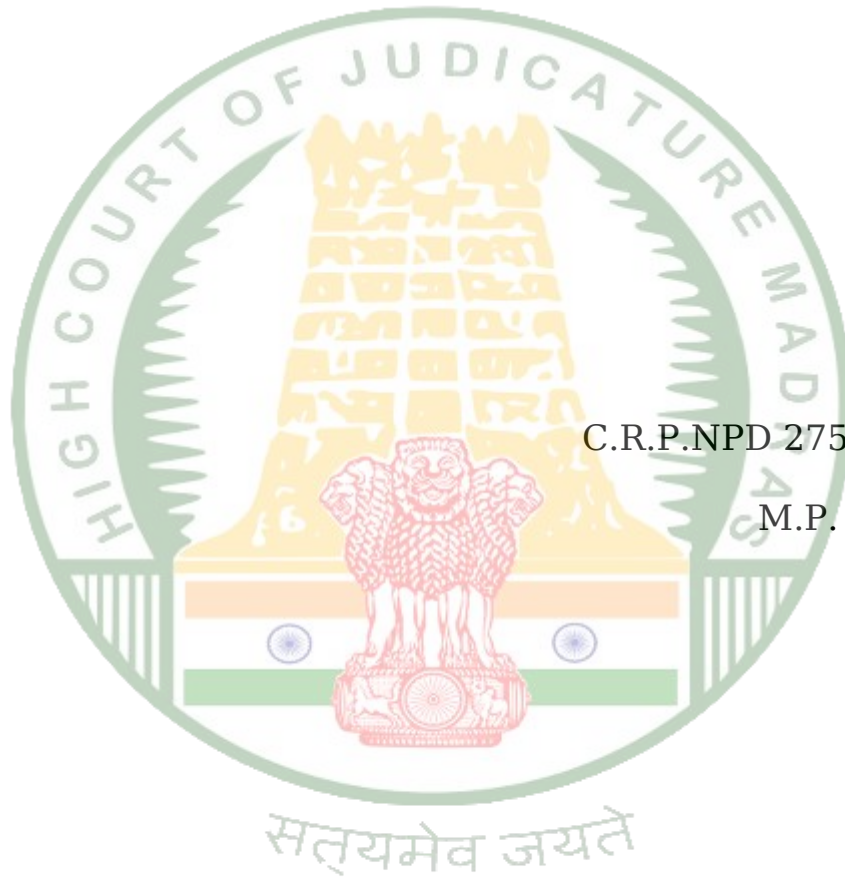
Principal Judge,
City Civil Court,
Chennai.



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V.BHARATHIDASAN,J.

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