

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28..02..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.922 of 2020
and C.M.P.No.4879 of 2020

1.P.Masilamani
2.Mrs.M.Mahesh

... Petitioners

-Versus-

Mrs.V.Lakshmi

... Respondent

Petition filed under Article 227 of the Constitution of India, praying for a direction to the learned II Additional Subordinate Judge, Coimbatore, for early disposal of the application in E.A.No.6 of 2020 in E.P.No.184 of 2018 in O.S.No.130 of 2007.

For Petitioner : Mr.Neelakandan for
Mr.B.Nambi Selvan

ORDER

This civil revision petition has been filed seeking a direction to the learned II Additional Subordinate Judge, Coimbatore, to dispose of the application in E.A.No.6 of 2020 in E.P.No.184 of 2018 in O.S.No.130 of 2007 expeditiously.

2. The petitioners are the judgement debtors. The respondent had filed a suit in O.S.NO.130 of 2007 before the II Addl. Subordinate Judge, Coimbatore, for specific performance of contract of agreement of sale and obtained a decree on 18.04.2011 against the petitioners. The appeal preferred by the petitioners was dismissed on 27.0.2011. Thereafter, the respondent had initiated an execution proceedings and got executed the sale deed in his favour through court. Now, the application filed by the respondent for delivery of the suit property is pending. While so, the petitioners filed an application under Order XXI, Rule 26 of CPC seeking to stay the deliver proceedings. The grievance of the petitioner is that the application seeking stay of the delivery proceedings is pending and no orders have been passed on the same by the executing court and the same is being adjourned from time to time.

3. This revision petition is coming up today for admission. I have heard the learned counsel for the petitioner and also perused the records carefully.

4. Although the learned counsel for the petitioner attempted to impress upon this court that the petitioner is taking steps to prefer second appeal as against the order of the first appellate court, this court is not convinced with the same. Almost eleven years have elapsed after the dismissal of the appeal suit. Pursuant to the decree, the petitioner got executed the sale deed through court and the execution petition is posted for delivery. However, considering the facts and circumstances of the case, this court is inclined to direct the executing court to dispose of the application for stay at the earliest.

In the result, this civil revision petition is disposed of with a direction to the learned II Additional Subordinate Judge, Coimbatore, to consider the application in E.A.No.6 of 2020 in E.P.No.184 of 2018 in O.S.No.130 of 2007 on its own merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected CMP is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmk

To

The II Additional Subordinate Judge, Coimbatore.

+1cc to Mr.B.Nambi Selvan , Advocate SR.No. 17632

C.R.P.No.922 of 2020

A.SK(02/03/2020)

सत्यमेव जयते

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