

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P (NPD). No.1912 of 2018

R.Jayaraman

... Petitioner

Vs.

1.Madurai

2.P.Kathavarayan

... Respondents

Prayer: The Civil Revision petition filed under Section 115 of the Civil Procedure Code to direct the Court below viz., Principal District Munsif Court, Alandur to dispose of E.P.No.123/2006 in O.S.No.78 of 2004 on its file.

For Petitioner : Mr.R.Subramanian

For Respondents : No appearance

ORDER

The petitioner seeks early disposal of E.P.No.123 of 2006 in O.S.No.78 of 2004 on the file of Principal District Munsif Court, Alandur.

2. The suit was originally filed in the year 1999 seeking declaration

of title, recovery of possession and mandatory injunction. The suit came to the decreed on 20.07.2006. The plaintiff/decreed holder filed Execution Petition in E.P.No.123 of 2006. Claiming that an appeal has been filed in A.S.No.42 of 2009 an application for stay was filed in E.A.No.61 of 2008. The said application was dismissed on 08.04.2010. The appeal in A.S.No.42 of 2009 has also now been dismissed on 27.11.2017. The E.P. is still pending. On 17.01.2008, the learned Principal District Munsif, Alandur had made an endorsement while adjourning the E.P. as follows:

“Preferred Second Appeal. At request call on 16.02.2018”.

Again on 16.02.2018, E.P. has been adjourned to 07.04.2018. At this juncture, the petitioner has come up with this Civil Revision Petition.

3. I heard Mr.R.Subramanian, learned counsel appearing for the petitioner. The respondents though served do not appear either in person or through counsel.

4. The suit is of the year 1999 and almost 21 years have lapsed and

it is also stated that the petitioner is nearly 83 years old. Considering the above circumstances, the Civil Revision Petition is disposed of with the direction to the Executing Court, namely, the Principal District Munsif, Alandur to dispose of the Execution Petition within a period of four months(4) from the date of resumption of normal functioning of Courts at Alandur. No costs.

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rsi

Index: No
Speaking order

To:

1. The Principal District Munsif,
Alandur.

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

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R.SUBRAMANIAN, J.

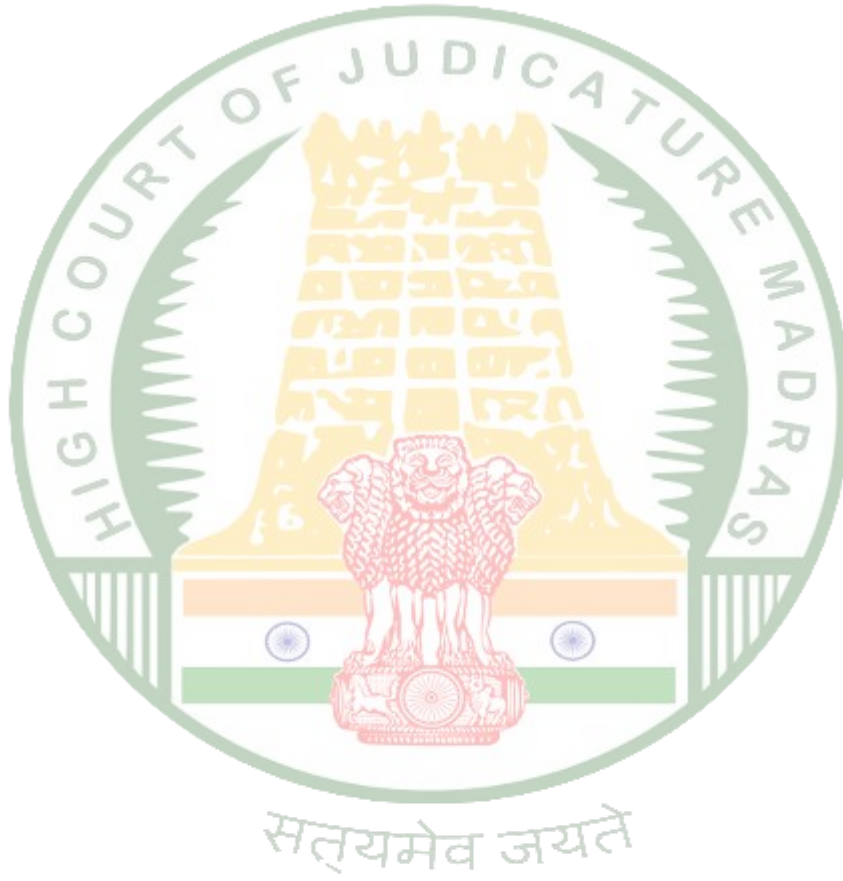
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