



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

C.R.P(MD)No.58 of 2020

WEB COPY

A. Sathick Batcha ... Petitioner / Petitioner

Vs.

P. Sivasankar ... Respondent / Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to direct the learned District Munsif, Madurai Taluk, to expedite the enquiry in E.P.No.No.13 of 2016 and to dispose of the same within a time frame to be fixed by this Court.

For Petitioner : R. Suriyanarayanan

ORDER

This Civil Revision Petition has been filed to expedite the disposal of Execution Petition in E.P.No.13 of 2016 on the file of the learned District Munsif, Madurai.

2. It is the contention of the learned counsel appearing for the petitioner that though the fair and decreetal order passed in RCA.No.39 of 2017 and it reached finality as against which no Civil Revision Petition has been filed, the trial Court has been simply adjourning the Execution Petition. He further contended that order passed in RCA No. 39 of 2017, dated 04.06.2019, has also been produced before the Court below. Despite the same, Execution Petition is being continuously adjourned.

3. I have heard the learned counsel appearing for the petitioner and perused the "B" diary extract filed along with typed set of papers.

4. The "B" diary extract filed by the petitioner clearly indicates that on 16.08.2019, the Execution Petition has been adjourned stating that RCA.No.39 of 2017 is pending. On 02.11.2019 it has been stated a memo has been filed. Even then, the matter has been adjourned for further proceedings on 13.11.2019 and thereafter, it was adjourned to 27.11.2019 for further proceedings and again on 27.11.2019 the matter has been adjourned to 23.01.2020. Even after disposal of the RCA, execution petition has been simply adjourned.

<https://hcservices.ecourts.gov.in/hcservices/> 4. Therefore, the learned District Munsif, Madurai Taluk



is directed to dispose the proceedings in E.P.No.13 of 2016 as expeditiously as possible on merits and accordance with law. Unless there is any stay order by the Appellate Court, Execution Petition cannot be adjourned.

5. With the above direction, this Civil Revision petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

trp

To

The District Munsif, Madurai.

+1 CC to MR.R.SURIYANARAYANAN, Advocate (SR-1600[F] dated 13/01/2020)

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