



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P (MD) No.483 of 2020

Muniyandi .. Petitioner / Plaintiff

Vs.

Sundarambal .. Respondent / Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the District Munsif cum Judicial Magistrate's Court, Thiruppuvanam, to dispose the E.A.No.1 of 2019 in E.P.No.4 of 2005 in O.S.No.64 of 2004 within a time limit fixed by this Court.

For petitioner : Mr.P.Muthusamy
For Respondent : No appearance

ORDER

This civil revision petition has been filed by the petitioner/decree holder seeking for a direction to the learned District Munsif cum Judicial Magistrate, Thiruppuvanam to dispose of the Execution Application in E.A.No.1 of 2019 in E.P.No.4 of 2005 in O.S.No.64 of 2004 within a stipulated time.

2.According to the petitioner / plaintiff, he filed the suit in O.S.No.64 of 2004 for recovery of money and the suit was decreed on 27.10.2004. To execute the said decree, the petitioner / plaintiff filed E.P.No.4 of 2005 and the same was allowed and sale certificate was issued on 11.10.2018. The petitioner also filed E.A.No.1 of 2019 seeking to order delivery of immovable property. The grievance of the petitioner is that though the execution application has been filed in the year 2019, the same has been adjourned on several occasions without any valid reason. Therefore, he has filed this revision petition seeking a direction for early disposal of E.A.No.1 of 2019.

3.Despite notice being served on the respondent / defendant and his name is being printed in the cause list, there is no representation on behalf of the respondent either in person or through counsel.

<https://hcservices.ecourts.gov.in/hcservices/>



4. Heard the learned counsel for the petitioner / plaintiff.

5. Perusal of records shows that the petitioner / plaintiff filed O.S.No.64 of 2004 for recovery of money and the same was decreed on 27.10.2004. Subsequently, the petitioner / plaintiff filed E.P.No.4 of 2005 for sale of immovable property of the judgment debtor to satisfy the above said decree and the sale was completed through Court auction and the decree holder turned as a successful purchaser and accordingly, E.P.No.4 of 2005 was closed. Thereafter, on 31.01.2019, the petitioner / plaintiff filed E.A.No.1 of 2019 for delivery of immovable property before the Principal District Munsif Court, Manamadurai and later, it was transferred to the District Munsif cum Judicial Magistrate's Court, Thiruppuvanam.

6. In response to the order of this Court, dated 20.03.2020, the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, submitted a report stating that the Taluk Legal Service Authority Free Lead Aid counsel appearing for the respondent before the Court below, has withdrawn his appearance and therefore, the Taluk Legal Service Authority was addressed to appoint a new legal aid counsel for the respondent and E.A.No.1 of 2019 is pending for appointment of new free legal aid counsel and also for filing counter.

7. Considering fact that E.A.No.1 of 2019 has been pending from 31.01.2019 onwards and also considering that E.A.No.1 of 2019 has been filed only for delivery of immovable property, this Court, is inclined to direct the Court below to dispose of E.A.No.1 of 2019 in E.P.No.4 of 2005 in O.S.No.64 of 2004 on merits and in accordance with law as early as possible, preferably within a period of one month from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of E.A.No.1 of 2019.

8. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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C.R.P(MD)No.483 of 2020

To

1.The Principal District Munsif cum Judicial Magistrate Court,
Thiruppuvanam, Sivagangai District.

**ORDER MADE IN
C.R.P (MD) No.483 of 2020
29.06.2020**

scr(CO)
TR(06.07.2020) 3P 2C