

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

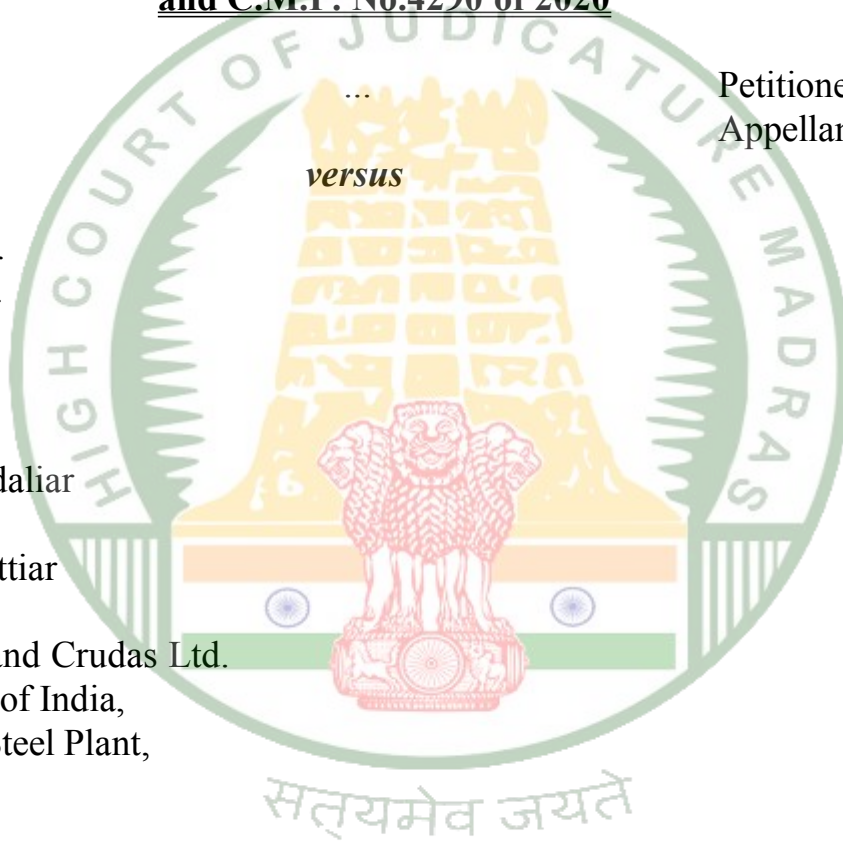
C.R.P. (NPD) No.798 of 2020
and C.M.P. No.4290 of 2020

Anantha Jothi

Petitioner /
Appellant

...
versus

- 1.Thangammal
- 2.Irusa Gounder
- 3.Andi Gounder
- 4.Ranganathan
- 5.Muthu Nadar
- 6.Sampath
- 7.Arumuga Mudaliar
- 8.Murugan
- 9.Arumuga Chettiar
- 10.Kandasamy
- 11.Richardson and Crudas Ltd.
Government of India,
Opp. Salem Steel Plant,
Salem 13.
- 12.Vasu
- 13.Rathinammal
- 14.Bhuvaneswari
- 15.Usha Rani
- 16.K.Jayaraj
- 17.K.Ponnusamy
- 18.K.Krishnan
- 19.K.Arjunan
- 20.K.Balusamy



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21.K.Gopal
22.K.Palaniyammal
23.K.Hamsa
24.R.Jothi
25.R.Gokul
26.R.Sindhuja
27.Thangammal
28.K.Raja
29.K.Selvaraj
30.Chinnaponnu
31.R.Govindaraj
32.R.Ravikumar
33.R.Dhanalakshmi
34.R.Vijaya
35.Alamelu
36.Kamala
37.A.K.S.Mani
38.A.K.S.Manickam
39.A.K.S.Govindaraj
40.A.K.S.Palanisamy
41.V.Saraswathi

Respondents /
Defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to dispose of I.A.No.1 of 2020 in A.S.No.2 of 2020 on the file of the learned District Judge, Salem, by fixing a time frame for disposal of the same.

For Petitioner : Mr.A.K.Sriram
for M/s.A.S.Kailasam & Associates

For Respondent Nos.1, : Mr.M.Venkadesh Kumar
12 to 15, 35 & 36

For Respondent Nos.24 to 26 : Mr.T.Shazhian
Change of Vakalat given

ORDER

This Civil Revision Petition is filed, seeking direction to the learned District Judge, Salem, for disposing I.A.No.1 of 2020 in A.S.No.2 of 2020, within a time frame to be fixed by this Court.

2. The learned counsel for the petitioner submitted that, the suit in O.S.No.421 of 1984 was filed for the relief of declaration, partition and possession. The suit was decreed. In pursuance of the judgment and decree, R.E.P.No.62 of 1998 was filed for enforcing the decree. The petitioner filed R.E.A.No.284 of 1999 under Order 21 Rules 97, 99 Section 151 of C.P.C. and that petition was dismissed on 27.09.2019. Against the said dismissal order, the petitioner preferred A.S.No.2 of 2020.

3. I.A.No.1 of 2020 was filed for staying the further proceedings in pursuance of the judgment and decree in R.E.A.No.284 of 1999 in R.E.P.No.62 of 1998 in O.S.No.421 of 1984. It is further submitted by the learned counsel for the petitioner that, the learned Executing Judge, is pressing the order of stay, otherwise further proceedings will be taken for delivery of the property in R.E.P.No.62 of 1998.

4. Mr.M.Venkadesh Kumar, learned counsel appeared for the respondents 1, 12 to 15, and 35 and 36. Mr.T.Shazhian, learned counsel appearing for respondents 24 to 26 submitted that, he has handed over change of vakalat to the parties. He is no more appearing for them. However, considering the limited scope of this petition, this Court directs the learned District Judge, Salem, to dispose of A.S.No.2 of 2020 as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. The learned District Judge, Salem, is also directed to pass appropriate orders in the stay petition immediately, in view of the submission made by the learned counsel for the petitioner that, the learned Executing Judge has informed that the delivery of proceedings will be initiated unless there is an order of stay from the Appellate Court. The learned counsel for the petitioner submitted that, already interim stay was granted by this Court in C.M.P.No.4290 of 2020. In view of the interim stay already granted by this Court, there shall be interim stay of further proceedings in R.E.P.No.62 of 1998 till the disposal of stay petition filed in I.A.No.1 of 2020.

5. With these observations, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

05.10.2021

Speaking order / Non-speaking order

Index : Yes / No

Note : Issue Order Copy on 07.10.2021

psa / sri

To

The District Judge,
Salem.



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G.CHANDRASEKHARAN, J.

psa / sri



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