

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD)No.618 of 2021

R.Shankaran
S/o.Raghavalu

...Petitioner/Plaintiff

K.Marudhachalam (died) Vs

1.K.M.Muthu
S/o.K.Marudhachalam

2.Rukmani
W/o.Duraisamy

...Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the II Additional Sub-Court at Coimbatore to dispose the execution petition in E.P.No.51 of 2019 in O.S.No.1341 of 2016 within time stipulated by this Court.

For Petitioner : Mr.R.Babu

O R D E R

The limited prayer sought for in this petition is for a direction to the trial Court to dispose of the execution petition in E.P.No.51 of 2019 in O.S.No.1341 of 2016, within the stipulated period.

2. The learned counsel for the petitioner would submit that when the petitioner approached the first respondent and expressed his willingness, the first respondent was not ready to execute the sale deed in his favour after receiving the balance sale consideration of Rs.93,160/- from the petitioner. Hence, on 15.12.2003, the petitioner had sent a letter to the first respondent and expressed his readiness and willingness. But, the first respondent was not ready to execute the register sale deed in his favour. Therefore, the petitioner herein had filed a suit before the Sub-Court, Tiruppur, in O.S.No.271 of 2006, for specific performance. The first respondent entered his appearance and filed false and frivolous written statement. Thereafter, the suit has been transferred before the II

Additional Sub-Court, Coimbatore and renumbered as O.S.No.1341 of 2016. The petitioner was examined as P.W.1 and marked Exs.A1 to A10, P.Ws.2 to 4 were examined and the first respondent himself examined as D.W.1 and marked Exs.B1 and B2. The Court below decreed the suit on 13.09.2017. Further, he would submit that in order to execute the decree passed in O.S.No.1341 of 2016, the petitioner filed execution petition in E.P.No.51 of 2019 against the respondents and the same is pending before the Subordinate Court, Coimbatore from the year 2019 onwards. Finally, he would state that the respondents are intentionally dragging on the proceedings. Hence, the learned counsel for the petitioner prays to allow this present civil revision petition.

3. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

4. On a perusal of the adjudication orders, it is seen that the suit was decreed on 13.09.2017 by the Court below and the petitioner herein had filed the execution petition in E.P.No.51 of 2019 against the respondents before the Subordinate Court, Coimbatore for execution of the decree passed in O.S.No.1341 of 2016, which is pending from the year 2019 onwards. The matter was finally posted on 30.03.2021 for filing counter. The entire nation has been facing the difficult situation of lock down for the past one year. Hence, this Court cannot pressurize on the trial Court to dispose the execution petition in E.P.No.51 of 2019. Due to the nationwide lock down, the Court below did not proceed further in this matter. The respondents shall be directed to file their counter before the Court below and after filing of the counter, the Court below may proceed further in the execution petition.

5. In view of the present stage of the execution petition in E.P.No.51 of 2019, this Court directs the learned II Additional Sub Court, Coimbatore to dispose of the execution proceedings, as expeditiously as possible.

6. Accordingly, the Civil Revision Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

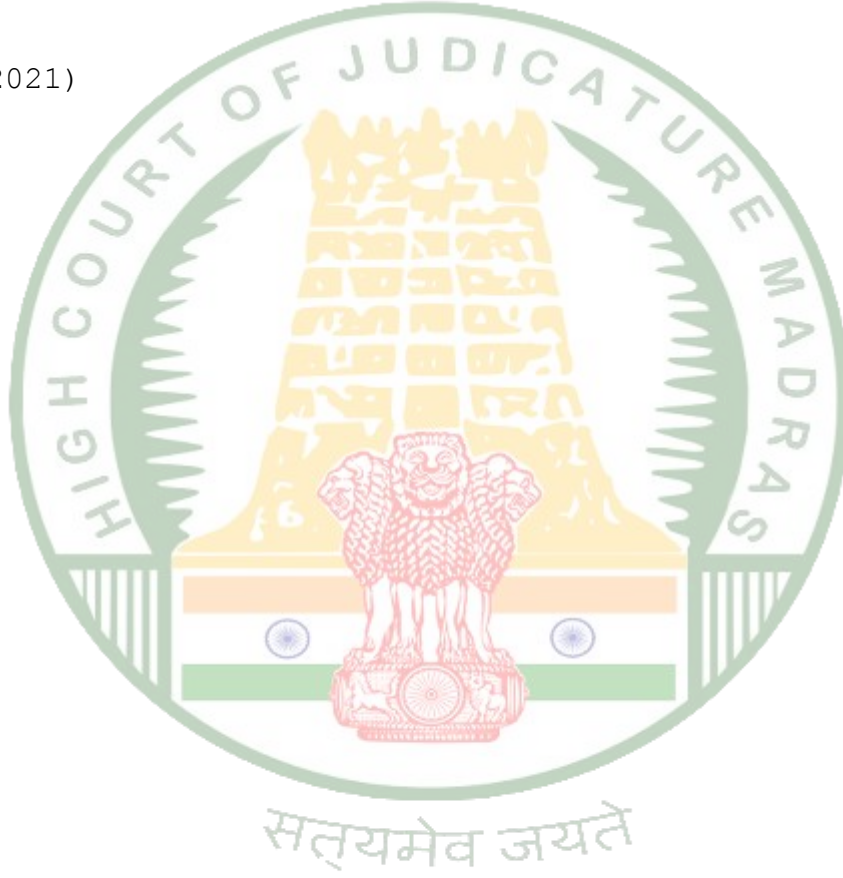
To

The II Additional subordinate Judge,
Coimbatore.

+1cc to Mr.R.Babu, Advocate, S.R.No.18782

C.R.P. (PD) No. 618 of 2021

CA (CO)
KM (29/04/2021)



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