

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 17.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD)No.544 of 2021

R.Balasubramaniam

... Petitioner

Vs

K.Marudhachalam (died)

1.K.M.Muthu

2.Rukmani

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the II Additional Sub Court, Coimbatore, to dispose the execution petition in E.P.No.50 of 2019 in O.S.No.1395 of 2016 within the time frame.

For Petitioner : Mr.R.Babu

ORDER

The limited prayer sought for in this petition is for a speedy disposal of the execution proceedings in E.P.No.50 of 2019 in O.S.No.1395 of 2016, which is pending before the trial Court.

2. The learned counsel for the petitioner would submit that originally the suit in O.S.No.272 of 2006 has been filed against the first respondent, in order to execute the registered sale deed in favour of the petitioner before the Subordinate Court, Tiruppur. Subsequently, the suit was transferred to the learned II Additional Subordinate Judge, Coimbatore and re-numbered as 1395 of 2016 and the suit was decreed on 13.09.2017. In order to execute the decree passed in the about said suit, the petitioner herein had filed the execution proceedings in E.P.No.50 of 2019, which has been kept pending for the year 2019 onwards without much progress. Hence, the learned counsel submitted that this Court may fix a time frame to dispose of the execution petition.

3. On a perusal of the adjudication orders, it is seen that the case has been adjourned on various dates for filing of counter. Due to the national wide lock down, the case has been kept pending for 1½ years. This Court is not inclined to pressurize the trial Court to dispose of the execution proceedings in E.P.No.50 of 2019, as it is seen that due to the national wide lockdown, the case has been kept pending for 1½ years. Hence, this Court is of the view that the trial Court can consider the said pleadings of the petitioner and proceed further in the matter as per the procedure established under law, as expeditiously as possible.

4. Accordingly, the present civil revision petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SBN

To

The II Additional Subordinate Judge,
Coimbatore.

+lcc to Mr.R.Babu, Advocate, S.R.No.16952

C.R.P. (PD) No.544 of 2021

SR-II (CO)
TE (28/04/2021)

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