

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

Coram

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P. (PD) No. 922 of 2021

Sekar (alias) Deenadayalan ... Petitioner/Decree Holder

-Vs-

1. Bavanandham
2. Ravindranath
3. Jegannathan
4. Vanaja
5. Thirupurakumari
6. Surendrakumar
7. Dhayachandrika
8. Anuradha
9. Gopal
10. Hariramulu ... Respondents/ Judgment Debtors 5, 7 to 15

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District Munsif, Poonamallee to dispose of E.P.No. 50 of 2012 in which matter the execution applications are pending as expeditiously as possible, within a specified timeline.

For Petitioner : Mr. N.V.N. Margandeyan

For Respondents : Mr. A.Balasingh Ramanujam

ORDER

This Civil Revision Petition has been filed by the Decree Holder seeking early disposal of three execution applications, namely, E.A.No. 183 of 2018 filed under Section 47 CPC, E.A.No. 181 of 2018 filed under Order 21 Rule 58 CPC and both these applications have been filed by the third respondent in the Civil Revision Petition and also E.A.No. 186 of 2018 which had been filed by third parties again under Order 21 Rule 58 CPC., all in E.P.No. 150 of 2021.

2. It is the contention of Mr. N.V.N. Margandeyan, learned counsel for the revision petitioner that the suit had been instituted nearly about two decades ago and still the Decree Holder has not been able to see the fruits of the decree in its entirety.

3. It is claimed that there were originally ten Judgment Debtors and out of them nine Judgment Debtors had vacated the premises. The third respondent herein alone is still in occupation and is contesting the matter, as stated, by filing E.A.No. 183 of 2018 and E.A.No. 181 of 2018 and also unnumbered C.R.P., in E.A.No. 180 of 2018.

4. In view of the complicated issues which arise since the third respondent claims to have purchased a portion of the property and which has to be decided only by that particular Court, I would rather that, since evidence is required, call upon the Principal District Munsiff, Poonamallee, to bestow some personal attention, to dispose of the execution applications and if evidence is to be let in by the parties permit such procedure, but however restrict the days between any two adjournments to just three working days and list E.A.Nos. 181, 183 & 186 of 2018 together. A duty is cast on the applicants therein to file necessary documents and then graze the witness box and to subject themselves for cross examination. They have had a long innings so long and the matter cannot be permitted to be dragged on any further.

5. Mr. A.Balasingh Ramanujam, learned counsel for the third respondent also stated that opportunity must be given to advance oral and documentary evidence. I am confident that the Principal District Munsiff, Poonamallee will grant opportunity but also restrict the number of days between any two adjournments to three working days. This has to be strictly followed and there should be progress in the case. Further, the Principal District Munsiff, Poonamallee, cannot grant more than two successive adjournments for the very same reason. This would place a responsibility on all the litigants to be ready with filing documents, ready with the proof affidavits and be ready to subject themselves for cross examination and the learned counsels would actually cross examine the witnesses. If this procedure is followed, I am confident that there will be disposal of E.P.No. 50 of 2012 along with all the connected execution applications.

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6. At any rate, an outer limit of disposal of all these matters is given till 31.01.2022, taking consideration any of the intervening circumstances that may arise in the course of hearing of the matters.

7. With the above said observations, this Civil Revision Petition is allowed. No order as to costs.

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Index: Yes/No

Internet: Yes/No.

Speaking / Non speaking



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C.V.KARTHIKEYAN, J.

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