

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(NPD).No.1782 of 2021

(Through Video Conference)

S. Radhakrishnan ...Petitioner

Versus

1. P. Sagayaraj

2. L.Periyanayagasamy @ Arulraj

3. Mme. Josseline Cecile Dunand

4. Albert Rene Paul Dunand ...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to pass an order adjudicating the E.P.No.383/2019 in O.S.No.23/2007 on the file of II Additional District Judge at Puducherry expeditiously as possible within the time limit by considering the age of the appellant and also year of the suit (O.S.No.23/2007).

For Petitioner : Mr.Siddeswaran

ORDER

This Civil Revision Petition is filed seeking direction to the learned II Additional District Judge, Puducherry to dispose E.P.No.383 of 2019 in O.S.No.23/2007 within a time limit fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner filed a suit in O.S.No.23/2007 for the relief of specific performance. After contest, this suit was decreed on 11.07.2019. There is no appeal filed against the judgment and decree in O.S.No.23 of 2007. The petitioner filed E.P.No.383/2019 for executing the decree in terms of the decree passed in O.S.No.23 of 2007. Accordingly, the sale deed was executed in favor of the petitioner on 07.09.2020. Thereafter, the property should have been delivered to the petitioner. But, till now, the property is not delivered and there is no progress in the execution petition. Therefore, the present Civil Revision Petition has been filed.

3. The main reason for filing this petition is that the petitioner is a senior citizen, aged 78 years and therefore, he wants to enjoy the fruits of the decree when he is alive.

4. Considering the limited relief claimed in this petition, the fact that O.S.No.23 of 2007 was filed in the year 2007 and decree was passed on 11.07.2019 and this execution petition is pending from the year 2019, this Court directs the learned II Additional District Judge at Puducherry to dispose E.P.No.383/2019 as expeditiously as possibly, preferably within a period of three(03) months from the date of receipt of a copy of this order.

5. The learned II Additional District Judge, Puducherry is directed to ensure that there is no appeal or other proceedings pending against the judgment in O.S.No.23 of 2007 before proceeding further with the execution petition.

6. With the above directions, this **Civil Revision Petition is Disposed of.**
No costs.

09.09.2021

Note: Issue Order Copy on **17.09.2021**

Index: Yes/ No

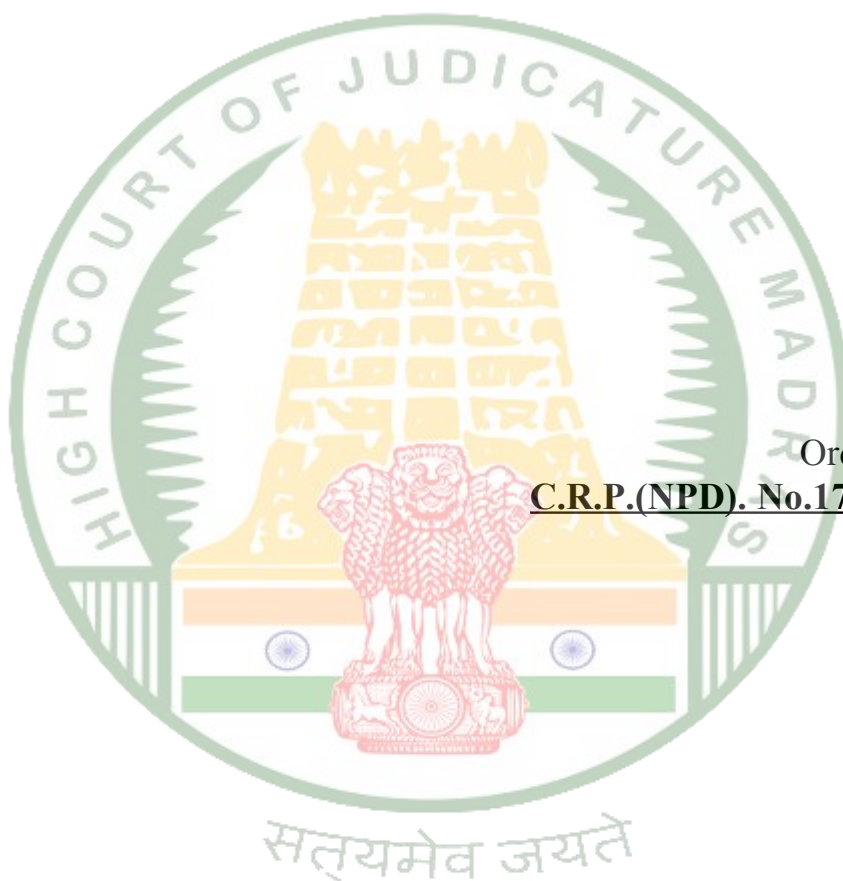
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G.CHANDRASEKHARAN, J.,

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To

The II Additional District Judge,
Puducherry.



Order made in
C.R.P.(NPD). No.1782 of 2021

Dated:
09.09.2021

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