

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(NPD) No.1610 of 2021

Siluvaimani (Died)

1.P.Yesuvadiyan

2.K.Y.Sakthivel

3.Jyothi

4.Sivabalu

...Petitioners

Vs.

R.Nagaraj

...Respondent

(Cause title accepted vide order of this Court dated 23.07.2021 made in C.M.P.No.10974 of 2021 in C.R.P.SR.No.59882 of 2021)

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Execution Court, III Additional District Munsif Court, Coimbatore, to dispose of the E.P.No.54 of 2012 in R.C.O.P.No.241 of 1995, within a time frame fixed by this Court.

For Petitioners : Mr.S.Mukunth

ORDER

This Civil Revision Petition is filed, to direct the Execution Court, III Additional District Munsif Court, Coimbatore, to dispose of the

E.P.No.54 of 2012 in R.C.O.P.No.241 of 1995, within a time frame fixed by this Court.

2.The learned counsel for the petitioners submitted that the R.C.O.P.No.241 of 1995 was filed on the ground of wilful default and order of eviction was passed on 18.11.2011. As against the said order, the respondent has preferred R.C.A.No.21 of 2012 and in the said R.C.A, an application in I.A.No.208 of 2015 was filed and the same was allowed on 08.11.2016.

3.As against the order dated 08.11.2016 in I.A.No.208 of 2015, the respondent has preferred C.R.P.(NPD).Nos.31 and 32 of 2017 and both the petitions were dismissed for non-prosecution on 21.07.2020.

4.The learned counsel for the petitioners submitted that there is no revision or appeal proceeding pending and there is no stay granted in any of the petitions. Further, he would submit that the execution proceeding is being adjourned time and again without any reason. Hence he prays for a direction to the Execution Court, III Additional District Munsif Court, Coimbatore, to dispose of the E.P.No.54 of 2012 in R.C.O.P.No.241 of 1995.

5.Considering the submission made by the learned counsel for the petitioners and the petitioners have succeeded in both the Courts below and also the execution proceeding is pending from the year 2012, this Court is inclined to direct the Trial Court to dispose of the execution proceedings.

6.Accordingly, the Execution Court, III Additional District Munsif Court, Coimbatore, is directed to dispose of the E.P.No.54 of 2012 in R.C.O.P.No.241 of 1995 as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, this Civil Revision Petition is disposed of. No costs.

Jer

13.08.2021

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

1.The Execution Court
III Additional District Munsif Court
Coimbatore.

2.The Section Officer
VR Section
High Court of Madras.

C.R.P.(N.P.D).No.1610 of 2021

G.CHANDRASEKHARAN.J,

Jer



C.R.P.(NPD) No.1610 of 2021

WEB COPY

13.08.2021