

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD) No.1715 of 2021

Murugesan

...Petitioner

Vs.

C.R.Marudhauchalam (Deceased)

Pandiyarajan (Deceased)

1. M.Vijayalakshmi
2. M.Loganathan
3. M.Vishwanathan
4. M.Bangaja

5. S.Thilaka

6. Rajamani

7. P.Ilavarasi

K.Palanisamy (Deceased)

8. Dhanalakshmi

9. N.Ramakrishnan

T.Dhandapani (Deceased)

M.Murugesan (Deceased)

10. R.Bharathi

G.Ramadass (Deceased)

11. R.Rajeswari

12. R.Kalpana
 13. R.Rukumani
 14. R.Sangeetha
 15. R.Dhanalakshmi
 16. M.Indirani
 17. M.Umameshwari
 - Sreenivasan(alias) M.Gunalan (Deceased)
 18. P.Karpagam
 19. P.Manjula
 20. C.Subalatha
 21. P.Senthilkumar
 22. G.Sasidevi
 23. G.Lakshmi (Minor)
Guardian Mother G.Sasidevi
 24. T.Sivaguru
- ... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the lower court to speedily dispose of the Execution Petition in EP.No.146 of 2019 in O.S.No.182 of 2002 on the file of Hon'ble V Additional District Court, Coimbatore, in a time bound manner with the help of the local police by providing protection at the time of taking delivery of the suit schedule mentioned property.

For Petitioner : Mr. E.J.Ayyappan

ORDER

This Civil Revision Petition is filed, to direct the learned Vth Additional District Judge, Coimbatore, to speedily dispose of the Execution Petition in EP.No.146 of 2019 in O.S.No.182 of 2002.

2.The learned counsel for the petitioner submitted that a suit in O.S.No.182 of 2002 was filed seeking the relief of specific performance of the sale agreement. The suit came to be decreed in favour of the petitioner by a judgment and decree dated 13.08.2008. Against the said judgment and decree, the respondent preferred an appeal in A.S.No.660 of 2009 before this Court and this Court confirmed the judgment of the Trial Court on 01.11.2016. Thereafter, the execution proceeding in E.P.No.122 of 2016 was filed for execution of sale deed, in terms of the decree and that was closed on 12.07.2019, by executing the sale deed. Now, the present E.P.No.146 of 2019 is filed for delivery of possession of the suit property. The said E.P.No.146 of 2019 is pending from the year 2019 and there is no progress. Therefore, the present Civil Revision Petition is filed.

3.Considered the submissions made by the learned counsel for the petitioner and perused the records.

4.From the sequence of events, it is seen that though the suit in O.S.No.182 of 2002 was decreed in favour of the petitioner on 13.08.2008 and the same has been confirmed in A.S.No.660 of 2009, the petitioner is not able reap the fruits of the decree. Therefore, this Court directs the learned V Additional District Judge, Coimbatore, to dispose of the E.P.No.146 of 2019 in O.S.No.182 of 2002 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition stands disposed of. No costs.

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19.08.2021

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

1.The V Additional District Judge, Coimbatore.

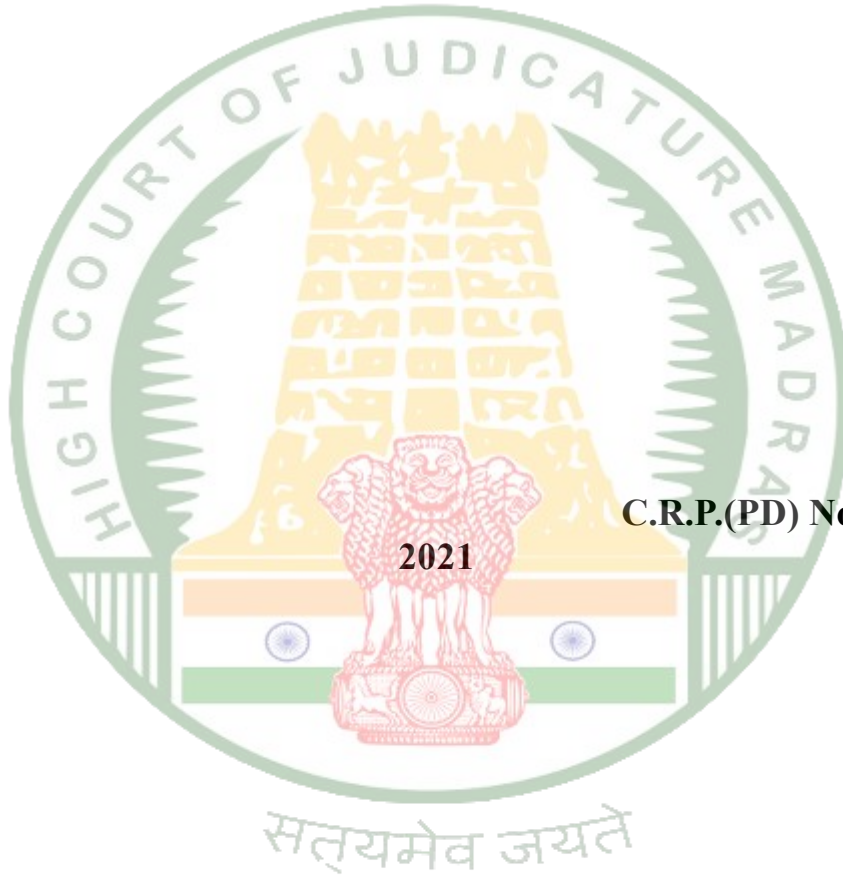
2.The Section Officer

VR Section

High Court of Madras.

G.CHANDRASEKHARAN.J.

Jer



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2021**

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