



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.2247 of 2021

Mr.A.Krishnan

... Petitioner/Plaintiff

Vs

1.Mrs.Kanniyammal

2.Mr.Raja

... Respondents/Judgment Debtor/
Third Party Obstructor

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Learned Subordinate Judge, Ponneri to dispose the pending application in E.A.No.12 of 2020 in E.P.No.38 of 2019 in O.S.No.192 of 2008 within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.K.Manikandan for
Mr.S.Senthilnathan.

O R D E R

This Petition is filed seeking direction to the Learned Subordinate Judge, Ponneri to dispose E.A.No.12 of 2020 in E.P.No.38 of 2019 in O.S.No.192 of 2008 within a time frame to be fixed by this Court.

2.The Learned Counsel for the Petitioner submitted that the Petitioner filed Suit in O.S.No.192 of 2008 against the First Respondent seeking the relief of Specific Performance of contract on the basis of the sale agreement dated 13.10.2006. The Suit was decreed on 22.04.2009. Then, the Petitioner filed E.P.No.38 of 2019 for execution of sale deed in terms of specific performance decree. Accordingly, the sale deed was executed on 26.07.2010 and patta was also transferred to the name of the Petitioner.

3.The Petitioner then filed E.P.No.38 of 2019 for delivery of property. The Second Respondent filed E.A.No.12 of 2020 under Order 21 Rule 97 and 101 of Civil Procedure Code for raising objection and obstructing delivery of the property. This Petition is pending without any progress. Therefore, this Petition.



4.Sequence of events shows that Specific Performance Suit was filed in 2008 and decreed in 2009. Sale deed was executed in favour of the Petitioner. When the Petitioner filed E.P.No.38 of 2019 for delivering the property, E.A.No.12 of 2020 is filed by the Second Respondent under Order 21 Rule 97 and 101 of Civil Procedure Code.

5.Considering the pendency of the litigation from the year 2008, this Court directs the Learned Subordinate Judge, Ponneri to dispose the E.A.No.12 of 2020 in E.P.No.38 of 2019 in O.S.No.192 of 2008 as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

6.Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ay/jai
To

The Subordinate Judge,
Ponneri.

+2cc to Mr.S.Senthilnathan, Advocate Sr.53636

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