



CRP (NPD) No.2689 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) No.2689 of 2021
and CMP No.19782 of 2021

Gnanambal Ammal

(since deceased)

Sundari (since deceased)

1. Neelakandan

... Petitioner

Vs

Andiappa Nadar (since deceased)

1. T.A.Rajaram

2. T.A.Santhanam

3. T.A.Anandaram

4. T.A.Selvaraj

5. R.Mallika

6. T.Thangalakshmi

7. P.Kalaivani

... Respondents



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Prayer: The Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order, dated 20.09.2021 made in E.P.No.3359 of 2021 in O.S.No.2990 of 1970 on the file of the IX Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.R.Thiagarajan

ORDER

The contention of the learned counsel appearing for the petitioners is that the trial Court must have ordered delivery without notice since the Execution Petition is filed within two years from the date of decree.

2. The date of the decree is 27.04.2018. The Execution Petition has been filed on 11.03.2021 which is clearly beyond the period of two years.

3. Mr.R.Thiyagarajan, learned counsel would further submit that due to lock down, the decree holder could not have filed the Execution petition. The decree was passed on 27.04.2018 and the Covid lock down was imposed only on 23.03.2020 for the first time. The petitioners had



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nearly two years to file the Execution petition. I therefore, do not see any necessity to interfere with the order of the trial Court in ordering notice to the respondents. The revision therefore fails and it is accordingly dismissed. However, taking note of the fact that the suit is of the year 1970, the Executing Court is directed to dispose of the execution proceedings within a period of six (6) months from the date of receipt of a copy of this order and report such disposal to this Court. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2021

vum

Index: Yes/No

Speaking order / Non speaking order

To:

1. The IX Assistant Judge, City Civil Court, Chennai.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

vum

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