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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

CRP.NO.2102 OF 2017

1.K. Radhalaksmi
2.K.Bala Boopathy

... Petitioners

Versus

M/s.Indian Auto Gas Company Ltd.,
represented by its Chief Executive Officer,
Mr.S.M.Anthoni Thomas,
having Office No.3/88, Mount Poonamallee Road,
Ramapuram, Chennai-600 089.

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to issue suitable direction to the Hon'ble Execution Court for speedy disposal of the E.A.No.36 of 2017 in E.P.No.2 of 2014 in O.S.No.281 of 2010 on the file of Sub Court, Poonamallee pending against the judgement debtor, on the time bound basis.

For Petitioners : M/s.Subba Reddy
For Respondent : M/s.A.Ramaswamy

ORDER

(The Case has been heard through Video Conference)

This Civil Revision Petition was filed seeking a direction to issue suitable direction to the Execution Court for speedy disposal of E.A.No.36 of 2017 in E.P.No.2 of 2014 in O.S.No.281 of 2010 on the file of Sub Court, Poonamallee pending against the judgement debtor, on the time bound basis.

2.The learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondent are present in Court through virtual mode and both the learned counsel have filed their respective memos before this Court. The operative portion of both memos are extracted here under:

Memo filed by the petitioners:

2.It is stated that the Hon'ble Bench comprising of Hon'be Mr. Justice R. Subbaiah and Hon'ble Mr. Justice Sathi Kumar Sukumara Kurup



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passed an order dated 11.03.2021 to dispose the E.A.No.36 of 2017 in E.P.No.2 of 2014 in O.S. No.281 of 2010, therefore this current C.R.P.No. 2102 of 2017 becomes infructuous in view of the order passed by the Hon'ble bench. (a copy of the order is enclosed)

3.It is further stated that E.A.No.36 of 2017 was filed by the Respondent herein and the same was ordered as dismissed on 29.03.2021 by the Sub-Judge Poonamallee.

4.It is stated that the Respondent has filed a C.R.P. No.1043 and 1044 of 2021 against the order passed by the Sub-Judge Poonamallee in E.A.No.36 of 2017. The Hon'ble Court had asked the Respondent to deposit a sum of Rs.25,00,000 (Rupees Twenty Five Lakhs only) in the credit of C.R.P. No. 1043 of 2021 and same has been deposited on 22.07.2021.

Memo filed by the respondent:

As per the W.A.No.394 of 2011, order dated 26.07.2017 and Civil Revision Petition 1043 of 2021 and Civil Revision Petition No 1044 of 2021, order dated 18.06.2021 pending before the High Court of Madras the Respondent Possession is protracted. In the above circumstances the E.P.No.02 of 2014 in O.S.No.281 of 2010, Decree order dated 16.08.2013 passed by the Hon'ble Sub-Ordinate Judge at Poonamallee, Chennai is unable to proceed in further.

Conclusion: Based on the above dates and events the Present Civil Revision Petition Number 2102 of 2017 is infructuous and dismiss with the exemplary cost and thus render justice.

3.Having filed the above memos, both the learned counsels appearing for the parties would submit that the Civil Revision Petition has become infructuous and sought for dismissal of the same.

4. Recording the above memos filed by the respective counsel, this Civil Revision Petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

gbi/gba

Sub Assistant Registrar



To

1.The Sub-Judge,
Poonamallee.

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

+lcc to Mr.Subba Reddy, Advocate, S.R.No.44154

CRP.No.2102 of 2017

KV (CO)
PM/22/09/2021