

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP(NPD).No.508 of 2017

Anandayee

... Petitioner

Vs.

1. Royappan
2. Sagayam
3. Velankanni

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the above CRP by directing the disposal of E.P.No.6 of 2012 in O.S.No.390 of 1996 on the file of the District Munsif-cum-Judicial Magistrate Court, Thirukazhukundram, within a stipulated period.

For Petitioner : Mr.M.Goyi Ganesan

For Respondents : Notice Served (No Appearance)

ORDER

This Civil Revision Petition has been filed for a direction to direct the disposal of E.P.No.6 of 2012 in O.S.No.390 of 1996 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram, within a stipulated period.

2. Admittedly, the respondents had not filed a Second Appeal immediately as against the judgment and decree passed in the Appeal Suit in A.S.No.4 of 2010 dated 15.07.2011. Therefore, the petitioner filed a Execution Petition in E.P.No.6 of 2012. While pending the Execution Petition, after a period of nine years, the respondents filed a Second Appeal before this Court in S.A.No.29 of 2019 and obtained interim order of stay.

3. Now, the present Civil Revision Petition is filed for a direction to direct the Execution Court to dispose of the Execution Petition within the stipulated time. While pending the Second Appeal, such direction cannot be issued. However, the Execution Court is directed to dispose of the Execution Petition in E.P.No.6 of 2012 subject to the result of the Second Appeal.

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

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29.03.2021

Speaking/Non-speaking order

Index : Yes/No

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To

1. The District Munsif-cum-Judicial Magistrate,
Thirukazhukundram.
2. The Section Officer,
V.R.Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

Kv



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