



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

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THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD)No.192 of 2021

1.Senathipathy

2.Gunasekaran

... Petitioners/ Petitioners/Plaintiffs

Vs.

Ramasamy

... Respondent/Respondent/Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this civil revision petition by directing the District Munsif Court, Ottanchathiram to dispose of E.P.No.68 of 2009 in O.S.No.271 of 2008 within a stipulated period as to be fixed by this Court.

For Petitioners : Mr.M.O.Thevan Kumar

ORDER

This civil revision petition has been filed to direct the District Munsif Court, Ottanchathiram to dispose of E.P.No.68 of 2009 in O.S.No.271 of 2008 within the time frame.

2.The learned counsel for the petitioners submitted that the petitioners filed a suit in O.S.No.271 of 2008 before the District Munsif Court, Ottanchathiram for recovery of possession. The said suit was decreed in favour of the plaintiffs on 13.11.2008. Aggrieved over the same the respondent herein filed an appeal suit in A.S.No.3 of 2009 before the Sub-Court, Palani and the same was dismissed on 03.08.2009. Against the same, the second appeal was filed in S.A.No.1034 of 2009 and the same was also dismissed on 04.06.2019 by this Court. After dismissal of the appeal suit, the petitioners herein filed E.P.No.68 of 2009 for executing the decree passed by the trial Court and the same was stayed. After dismissal of the second appeal, the above said execution petition was taken up and enquiry was also over. Thereafter, the above said petition is adjourned on many occasions and the same is pending till date, without any progress. Hence, the petitioners have approached this Court by filing this Civil Revision Petition seeking a decree to dispose the execution petition in E.P.No.68 of



2009 in O.S.No.271 of 2008 on the file of the District Munsif Court, Ottanchathiram, within a stipulated time as fixed by this Court.

3.Heard the learned counsel for the petitioners and perused the materials available on record.

4.Since this Civil Revision Petition is filed for early disposal of the petition in E.P.No.68 of 2009 in O.S.No.271 of 2008 and since no adverse order is going to be passed, notice to the respondent is not necessary.

5.Considering the facts and circumstances of the case and considering the fact that the execution petition is pending from the year 2009, this Court feels that ends of justice would be met by directing the Court below to dispose of the case within a time frame. Without advertting to the merits of the case, a direction is issued to the District Munsif Court, Ottanchathiram to dispose the divorce petition in E.P.No.68 of 2009 in O.S.No.271 of 2008 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. If the respondent does not co-operate, the learned Judge shall proceed in the manner known to law.

6.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

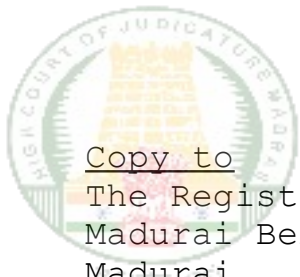
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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Munsif Court,
Ottanchathiram.

<https://hcservices.ecourts.gov.in/hcservices/>



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The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

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