



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.03.2021
CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.535 of 2021

WEB COPY

M.Shanmugam

... Petitioner/Petitioner/Plaintiff

-Vs-

M.Paalayya

...Respondent/Respondent/Defendant

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the Subordinate Judge, Thuraiyur for expeditious disposal of the E.P.No.84 of 2019 in O.S.No.626 of 2000 on the file of the Sub Judge, Thuraiyur and allow this Civil Revision Petition.

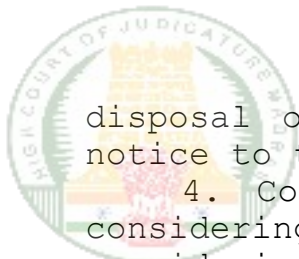
For Petitioner : Mr.N.Mohan

O R D E R

This Civil Revision Petition has been filed to issue a direction to the learned Subordinate Judge, Thuraiyur to dispose of the Execution Petition in E.P.No. 84 of 2019 in O.S.No.626 of 2000 within the time as stipulated by this Court.

2.The learned counsel for the petitioner would submit that the petitioner as plaintiff filed the suit in O.S.No.626 of 2000 before the Subordinate Judge, Trichy against the respondent herein for recovery of money based on a promissory note dated 20.12.1998. The said suit was decreed on 16.07.2008, against which, the respondent has preferred an appeal in A.S.No.1 of 2018 before the Principal District Judge, Trichy and the same was dismissed on 12.10.2018. Thereafter, the petitioner filed the execution petition in E.P.No.84 of 2019 for executing the decree to sell the attached properties in an auction in the year 2019 itself. The learned counsel would further submit that only with an intention to drag on the proceedings, the respondent keep on getting adjournment for filing counter. The petitioner is aged about 65 years. The grievance of the petitioner is that the respondent had prolonged the suit proceedings for more than 8 years and the suit was decreed as early as on 16.07.2008. After a period of 10 years, the respondent has filed an appeal in A.S.No.1 of 2018 and the same was also dismissed. Hence, the petitioner has come forward with this Civil Revision Petition seeking early disposal of the E.P.No. 84 of 2019

3. Since this Civil Revision Petition is filed for early



disposal of the E.P, as no adverse order is going to be passed, notice to the respondent is dispensed with.

4. Considering the facts and circumstances of the case and considering the fact that the E.P. is of the year 2019 and also considering that the petitioner is a senior citizen aged about 65 years, this Court feels that ends of justice would be met by directing the Court below to dispose the E.P within a time frame. Without advertting to the merits of the case, a direction is issued to the learned Subordinate Judge, Thuraiyur to dispose E.P.No. 84 of 2019 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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 Subordinate Judge,
Thuraiyur.

Copy to:-

The Register (Judicial)

Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.N.MOHAN, Advocate (SR-13044[F] dated 23/03/2021)

C.R.P. (MD) No.535 of 2021

23.03.2021

—
CN(05.05.2021) 2P 4C