



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

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

C.R.P. (MD)No.627 of 2021

S.Charles Chandrasekar
represented by power agent
Alphonsa Royan

... Petitioner

Vs.

M.P.Ramasamy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the earlier disposal of the E.A.No.01 of 2020 in E.P.No.72 of 2005 in O.S.No.224 of 2003 on the file of the District Munsif Court, Tuticorin, within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

ORDER

This civil revision petition has been filed to direct District Munsif Court, Tuticorin to early disposal of the E.A.No.01 of 2020 in E.P.No.72 of 2005 in O.S.No.224 of 2003, within the time frame.

2.The learned counsel for the petitioner submitted that the suit filed by the petitioner in O.S.No.224 of 2003 was decreed on 06.10.2004 and thereafter, the petitioner filed execution petition in E.P.No.72 of 2005. The respondent herein filed an appeal in A.S.No.45 of 2005 and the same was also dismissed on 30.04.2009 and thereafter, the respondent filed the second appeal in S.A.(MD) No.1122 of 2009. Due to the pendency of the above second appeal, the above execution petition was closed on 21.03.2016. On 16.03.2020, the above second appeal came to be dismissed. After dismissal of the second appeal, the petitioner filed a petition in E.A.No.1 of 2020 to restore and to reopen the execution petition in E.P.No.72 of 2005. The respondent appeared through counsel on 18.12.2020 and thereafter, the case was periodically adjourned. Due to the pendency of the above petition, the petitioner herein was unable to enjoy the fruits of the decree. Hence, the petitioner has approached this Court by filing this Civil Revision Petition seeking a relief to dispose the petition in E.A.No.01 of 2020 in E.P.No.72 of 2005 in O.S.No.224 of 2003 on the file of the District Munsif Court, Tuticorin within a stipulated time as fixed by this Court.



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

4.Since this Civil Revision Petition is filed for early disposal of the petition in E.A.No.01 of 2020 in E.P.No.72 of 2005 in O.S. No.224 of 2003 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, this Court feels that ends of justice would be met by directing the Court below to dispose of the petition in E.A.No.1 of 2020, within a time frame. Without advertting to the merits of the case, a direction is issued to the District Munsif Court, Tuticorin to dispose the petition in E.A.No.01 of 2020 in E.P.No.72 of 2005 in O.S.No.224 of 2003 on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and dispose of the execution petition in E.P.No.72 of 2005 in O.S.No.224 of 2003, within a period of four weeks thereafter.

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

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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, Tuticorin.

Copy to:
The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-15227[F] dated 01/04/2021)

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01.04.2021