



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.1752 of 2021

Nadimuthu

.. Petitioner

-vs-

R.Ravi Ganesh

.. Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India to issue a direction for speedy disposal of the application in E.P.No.85 of 2019 in R.C.O.P.No.112 of 2017 on the file of the I Additional District Munsif, Tiruchirappalli within a time stipulated by this Court.

For Petitioner

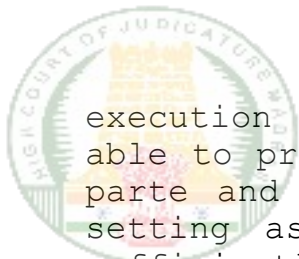
: Mr.H.Lakshmi Shankar

ORDER

The jurisdiction of this Court is invoked under Article 227 of the Constitution of India for an early disposal of E.P.No.85 of 2019 in R.C.O.P.No.112 of 2017 pending on the file of the I Additional District Munsif, Tiruchirappalli.

2.The B-Diary extracts filed would indicate that this execution proceedings was filed as early as on 27.06.2019. It appears that the respondent was set ex-parte and delivery was ordered. Thereafter, the respondent has filed E.A.No.2 of 2019 to set aside the ex-parte order passed on 01.11.2019 in E.P.No.85 of 2019. This petition came to be allowed on 26.07.2021 on condition that a sum of Rs.500/- be paid on or before 05.08.2021. The costs have also been paid and now the ex-parte order is set aside. The above petition in E.P.No.85 of 2019 has been filed by the petitioner/landlord stating that although he has obtained an eviction order as early as on 04.12.2018, he is yet to reap the benefits of the said decree. Even on the date of the filing of the petition, he was already 72 years old. In these circumstances, he would seek to have an early disposal of the execution proceedings.

3.Heard the learned counsel appearing for the petitioner. A perusal of the records would prove the contentions made by the revision petitioner. The petitioner has obtained the order of eviction as early as on 04.12.2018 and though he has filed the



execution proceedings in the month of June, 2019, he has not been able to proceed further, since the tenant has decided to remain ex-parte and thereafter, the tenant has taken out an application for setting aside the ex-parte order, which was kept pending for a sufficiently long period despite the revision petitioner/landlord endorsing that without prejudice to his contentions, he had no objection to the petition being ordered. Even thereafter, the matter had been adjourned on several occasions and consequently, it was allowed only in the month of August, 2021. Therefore, there has been a considerable delay in the disposal of the said execution petition. It is seen that the respondent has filed a counter in the execution proceedings.

4.In the above circumstances, this Civil Revision Petition is allowed. The learned I Additional District Munsif, Tiruchirappalli is directed to dispose of E.P.No.85 of 2019 in R.C.O.P.No.112 of 2017 within a period of two months from the date of receipt of a copy of this order and report to this Court. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar

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 I Additional District Munsif, Tiruchirappalli.

Copy To:

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

+1CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-34664[F] dated 16/11/2021)

C.R.P. (PD) (MD) No.1752 of 2021

Dated: 15.11.2021

abr

MS/29.11.2021/2P.4C