



CRP.No.863 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The Learned Principal Sub-Judge, Puducherry, had addressed the letter in Dis.No.2260/2022 dated 16.12.2022 seeking extension of time for disposal of the EP.No.181 of 1998 on the file of the Learned Additional Sub-Judge, Puducherry, as per the order passed by this Court in CRP.(PD).No.863 of 2022 dated 24.03.2022.

2. The EP is pending before the Learned Additional Sub-Judge, Puducherry.

3. It is noted that when the EP came up for hearing before the Learned Additional Sub-Judge, Puducherry, the Decree Holder had preferred Transfer Original Petition before the Learned Chief Judge, Puducherry. After hearing the enquiry, the Learned Chief Judge dismissed the Tr.OP. Aggrieved by the same, the CRP.(PD)No.863 of 2022 had been filed. After hearing both the parties, this Court had reversed the order of the



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Learned Chief Judge, in Tr.OP thereby directing the EP to be withdrawn from the Court of the Learned Additional Sub-Judge, Puducherry and transferred to the Court of the Learned Principal Sub-Judge, Puducherry.

4. Before the Learned Principal Sub-Judge, Puducherry, EA.No.81 of 2021 was filed by the third parties in which, the Decree Holder had cross examined the Petitioner in EA.No.81 of 2021. After the transfer of the petition from the Learned Principal Sub-Judge, Puducherry, to the any other Sub-Court the Decree Holder is not co-operating with the Court. Therefore, the Principal Sub-Judge, Puducherry, is unable to dispose of the EP, as per directions of this Court.

5. In the light of the above developments, the Learned Chief Judge himself can withdraw the case from the file of the Learned Principal Sub-Judge, Puducherry, and post it before any other Additional Sub-Judge available in the cadre at Puducherry. Therefore, the same can be disposed of within a reasonable time of three months from the date of receipt of a copy of this order and the Records before the Court's concerned. The



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Learned Chief Judge Puducherry is directed to bestow attention on the disposal of this EP.

6. Even after this, still the Decree Holder does not co-operate with the disposal of EP, the Judge concerned shall close the proceedings recording the lack of the co-operation from the Counsel for the Decree Holder.

7. It is to be pointed out that on issuance of warrant when the Senior Bailiff visited the spot in the properties to find out the identity of the property as per the warrant, it resulted in filing of EA to amend the details of the property mentioned in the decree, based on which, these developments had resulted. In the light of those developments, if the Decree Holder was not careful before instituting the suit, he has to suffer for the same. Therefore, the Judges concerned shall close the proceedings recording the lack of co-operation from the Decree Holder. No further extension of time is required and no further letter need to be written to the High Court.



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8. Hence, this Court rejects the extension of time.

02.03.2023

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