



CRP.No.1270 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The Learned Sub-Judge, Gobichettipalayam, Erode District, in her letter in Dis.No.939/2022 dated 03.11.2022 had sought extension of time for disposal of the EP.No.14 of 2021 in O.S.No.54 of 1993.

2. The CRP.(PD).No.1270 of 2022 is filed by the Decree Holder seeking directions for early disposal of the EP.No.14 of 2021 in O.S.No.54 of 1993. This Court by the order dated 22.04.2022 had directed the Learned Sub-Judge, Gobichettipalayam, to dispose of the EP.No.14 of 2021 in O.S.No.54 of 1993 within a reasonable period for three months.

3. As per the letter of the Learned Sub-Judge, Gobichettipalayam, Erode District, the copy of the order in

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CRP.(PD).No.1270 of 2022 was furnished to her by the Learned

Counsel for the Revision Petitioner/Decree Holder only on 24.05.2022. Meanwhile, the EP was posted for counter and subsequently, for enquiry. At that stage, the Decree Holder died. Therefore, the EA.No.1 of 2022 was filed by the Counsel for the Decree Holder on 30.09.2022 and the same was pending for counter.

4. It is to be noted that the Decree Holder had approached this Court for directions under Article 227 of the Constitution of India invoking supervisory jurisdiction of the High Court towards the District Judiciary. Accordingly this Court had directed for early disposal of the EP. It is to be noted that the suit is of the year 1993 and therefore, the Decree Holder, who had been waiting all these years for execution of decree, had lost patience, has approached this Court. Therefore, the Learned Judge ought to have given preference in disposal of the EP. As per the the old circular of this High Court of the 1977, EPs and IAs in the suit shall be been taken for enquiry



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exclusively Thursdays and Fridays and this will help the Court to

dispose of the IAs and EPs earlier. However, the Learned Sub-Judge, requested to consider the posting of EPs and EAs not only in this case, but in other cases also on Thursdays and Fridays, so that she can focus on disposal of the EPs. Also in the said 1977 circular it was directed that EPs may be adjourned for counter on every week. That means for every 7 days or every 15 days. Thereby, if on the 3rd adjourned date or expiry of 45th day counter is not filed, EAs or EPs shall be disposed of. The litigant particularly the Plaintiff after having obtained the order of decree or dismissal of the suit, fighting the case up to the highest level is forced to wait for execution of the decree for decades. That should be avoided by the Judge concerned.

5. In view of the above, the Learned Sub-Judge, Gobichettipalayam, Erode District, is directed that the EP of this nature is to be posted every week. Further, the Learned Judge is directed to dispose of the EP by following the said procedure and if



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the counter is not filed, within 3 adjourned hearing dates she is within

her powers to order the EA. Accordingly, the Learned Sub-Judge,

Gobichettipalayam, Erode shall proceed with the EP and report the

compliance within the next three months.

6. Thus, this Court granted further time of three months.

02.03.2023

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