



C.R.P(NPD).No.2530 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.2530 of 2022

1.Rathanam
2.Papathi
3.Vasanthi
4.Saranya
5.Gowtham

... Petitioners

..Vs..

1.Subramaniam
2.Tamilarasu
3.Selvamani
4.Pavayi

... Respondents

Prayer:- Civil Revision Petition is filed under Section 115 of CPC, to direct the learned Sub Judge, Namakkal, to dispose of E.P.No.28 of 20119 in O.S.No.182 of 1991 as expeditiously as possible.

For Petitioners : Mr.T.Dhyanya Kumar



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ORDER

This Civil Revision Petition has been preferred seeking direction for a speedy disposal of the proceedings in E.P.No.28 of 2019 in O.S.No.182 of 1991 pending on the file of the Sub Court, Namakkal, as expeditiously as possible.

2.The revision petitioners are the decree holders in the suit. The said suit has been filed for partition and separate possession, in which, final decree has also been passed on 27.07.2018. Subsequently, the execution proceedings have been initiated in E.P.No.28 of 2019 for getting delivery of the properties partitioned by metes and bounds in accordance with preliminary decree which has already been passed. No appeal is seen to be pending or any stay is granted to stay the operation of final decree. It is seen from the case adjudication status that the EP has been reserved for orders on 04.11.0219 and thereafter, the matter has been adjourned atleast for 13 hearings for orders till 05.11.2020 and thereafter, the matter was posted for steps in view of the death of the 3rd decree holder.



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3.The learned counsel for the petitioners submitted that the steps have already been filed. However, the proceedings have been adjourned unnecessarily for several hearings and that paved the way for a 3rd party filing a claim application in EA.No.3 of 2019.

4.It is deplorable to see that the case which has already been ripe for orders, was unnecessarily protracted by the learned Executing Judge himself for several hearings without pronouncing orders. Only because the manner in which the proceedings were conducted, the decree could not be executed and it paved the way for filing interlocutory applications. Despite getting final decree in the year 2018 itself in the suit is filed in the year 1991, the decree holders are not able to enjoy the fruits of the decree. The learned trial Judge cannot adjourn the case for orders, for several hearings without proper reasons. The docket orders only show that the case has been adjourned for orders without assigning any reasons. As of now, the Execution Proceeding is pending due to a petition filed by the third party in E.A.No.3 of 2019 and that is also being



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adjourned from time to time without taking it for disposal. Under such circumstances, it is appropriate to impress the learned Executing Judge to dispose the Executing Application and Execution Proceeding also within a period of one month from the date of receipt of the copy of the order.

5.In view of the above, this Civil Revision Petition is disposed of. The learned Sub Judge, Namakkal is directed to dispose of E.A.No.3 of 2019 and E.P.No.28 of 2019 within a period of one month from the date of receipt of the copy of the order.

11.08.2022

vkf

Index:Yes No

Speaking Order:Yes/No

Note to Office:

The Registry is directed to place a note for getting appropriate orders from The Hon'ble Chief Justice for taking action against the concerned Presiding Officer for his failure to pronounce the orders and adjourning the case for several hearings without proper reasons after having reserved it for orders.

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To

1.The Sub Court, Namakkal.

2.The Section Officer, VR Section, Madras High Court, Chennai.



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R.N.MANJULA,J.

Vkr

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