



CRP.No.2712 of 2022

SATHI KUMAR SUKUMARA KURUP.J.,

This Civil Revision Petition was filed under Article 227 of Constitution of India seeking direction to the learned Principal Sub Judge, Tiruvannamalai to dispose of R.E.P.No.13 of 2015 in O.S.No.176 of 1999, at the earliest.

2. Accordingly, this Court by Order dated 30.08.2022 directed the learned trial Judge, learned Principal Sub Judge, Tiruvannamalai District to dispose of R.E.P.No.13 of 2015 within a reasonable period of two months from the date of receipt of a copy of this order.

3. The learned Principal Sub Judge, Tiruvannamalai in his letter in D.No.62/2023 dated 11.01.2023 had sought further time of four months. As per the letter of the learned Principal Sub Judge, the copy of the Order was received on 30.09.2022. At that time, the E.P was posted for counter of R-8 and it was adjourned to 17.10.2022. On that day, R-8 was called absent and set exparte. The explanation offered by the learned Principal



Sub Judge, Thiruvannamalai is not found satisfactory. When R-8 was set exparte, he could have very well passed the Orders on the same day on 19.12.2022 and had adjourned it on the ground of hearing enquiry.

It is to be noted that in E.P, after full contest and taking the dispute to the highest level only, the successful litigant approach the Execution Court for execution of the Decree. It is settled position of law that the Executing Court cannot travel beyond the decree. Under those circumstances, granting adjournments in E.P as though it is a trial in the Suit is unwarranted. If both side counsel are present, the enquiry could have been conducted on the same day and orders could have been passed in one or two days. The attitude of the learned Principal Sub Judge, Thiruvannamalai is found not satisfactory. The learned Principal Sub Judge, Thiruvannamalai shall dispose of E.P within one month, failing which, the matter will be placed before the Committee for disciplinary action against the learned Principal Sub Judge, Thiruvannamalai for the dereliction of the duty. Copy of the same to be served on the learned Principal District Judge, Thiruvannamalai for supervision of the same.

Accordingly, the further time of one month is granted.



02.03.2023

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