



CRP(MD)No.242 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.242 of 2020

1.C.Jeyabharathi
2.A.Murugan

... Petitioner

versus

K.Palaniraj

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Sub-Court, Periyakulam, Theni District to dispose of the petition in E.P.No.43 of 2018 in O.S.No.58 of 2015 on the file of the learned Sub-Court Periyakulam, Theni District expeditiously within a time frame.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.H.Velavadhas



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ORDER

This Civil Revision Petition has been filed to direct the learned Sub Court, Periyakulam, Theni District, to dispose of the petition in E.P.No.43 of 2018 in O.S.No.58 of 2015 expeditiously within a time frame fixed by this Court.

2. The learned counsel appearing for the petitioners submits that the petitioners have filed a suit in O.S.No.58 of 2015 as against the respondent before the Sub Court, Periyakulam, Theni District, for the relief of recovery of possession and permanent injunction. The suit was decreed in favour of the petitioners. As against the same, the respondent herein has preferred an appeal in A.S.No.17 of 2020 before the Additional District Court, Theni and the same was dismissed by the Appellate Court on 13.02.2021. In the meantime, the petitioners have filed an Execution Petition in E.P.No.43 of 2018 and the delivery was also ordered in the Execution Petition. However, the consequent actions have not been taken by the Execution Court and the petition is still pending. To defeat the decree, the respondent, through his



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son, has filed a claim petition as if he is in possession of the property and based on that petition, the delivery has not been effected so far.

3. The learned counsel appearing for the respondent submits that E.P.No.43 of 2018 has already been disposed of and the delivery has also been ordered. Insofar as the other person as claimed by the petitioners is concerned, he is a third party and he has nothing to do with the claim made by the petitioners.

4. This Court heard the arguments of the learned counsel on either side and perused the materials available on record.

5. It appears from the records that the suit was filed in the year 2015 and it was decreed in the year 2018 by the learned Sub Judge, Periyakulam, Theni District, in favour of the petitioners. As against the judgment and decree passed by the learned Sub Judge, Periyakulam in O.S.No.58 of 2015, the appeal was preferred by the respondent and the same was dismissed. The judgment of the Sub Court, Periyakulam, has become final and the



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Execution Court has also passed an order of delivery in E.P.No.43 of 2018.

After the delivery has been ordered, a third party has made a claim that he is in possession of the property and based on that, the delivery has not been effected so far. Hence, the learned Sub Judge, Periyakulam, Theni District, is directed to dispose of the petition in E.P.No.43 of 2018 in O.S.No.58 of 2015 within a period of two months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is disposed of. No costs.

14.07.2022

ssb

Index : Yes / No

Internet: Yes / No

To

Sub-Court Periyakulam, Theni District



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B.PUGALENDHI, J.

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