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C.R.P (MD) No.1159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.1159 of 2022

1.Indirani
2.Saminathan
3.Saravanan
4.Kumar
5.Svia
6.Malathi

... Petitioners

Vs

Kaliyamorrthy

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Munsif cum Judicial Magistrate, Thiruvidaimaruthur to dispose of the execution petition in E.P.No.5 of 2019 in O.S.No.336 of 2004 on the file of the I Additional District Munsif Court within time stipulated by this Court and allow this civil revision petition.

For Petitioners : Mr.G.Gomathi Sankar
For Respondent : Mr.B.Senthil Kumar

ORDER

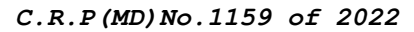
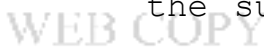
This petition has been filed by the decree holder in O.S.No.336 of 2004 to dispose of the execution proceedings E.P.No.5 of 2019 within a reasonable time.



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2.The learned Counsel for the petitioners submits that the suit was filed by the plaintiff in the year 2004 and it decreed in favour of the petitioners in the year 2006. The appeal filed by the respondent was also dismissed. The petitioners filed an execution petition in E.P.No.137 of 2009 in the year 2009 itself. However, the respondent was dragging on the proceedings. Therefore, the petitioner on the earlier occasion approached this Court in CRP(MD)No. 938 of 2017 and this Court vide its order dated 26.04.2017 issued a direction to the execution court to dispose of E.P.No.137 of 2009 within a period of six months and also to file a report on 21.08.2017.

3.In view of the subsequent development, a new Court was constituted based on the jurisdiction and E.P.No.137 of 2009 was transferred to I Additional District Munsif, Thiruvidadaimaruthur and renumbered as E.P.No.4 of 2019. However, the respondent one way or the other is dragging on the proceedings by referring another suit filed by one Gunasekaran and the trial Court has also not proceeded with the EP.





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wherein this Court by order dated 26.04.2017 had directed the Court to dispose of the E.P.No.137 of 2009 within a period of sixty days and to report the status of the case on 21.08.2017. This order was passed in the year 2017. It is not known any report, as directed by this Court has been filed or not?. Be that as it may, the EP proceedings was initiated in the year 2009 and now it is pending before the District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur.

8.Under such circumstances, the civil revision petition is disposed of with a direction to the execution Court to dispose of the E.P.No.5 of 2019 within a period of four months from the date of receipt of a copy of this order. However, the Court is at liberty to decide the suit in O.S.No.223 of 2009 stated to be filed by the mortgagee Gunasekaran on its own merits. No costs.

21.07.2022

dsk
To
I Additional District Munsif,
Thiruvidadaimaruthur.

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B.PUGALENDHI, J.

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