



WEB COPY



C.R.P (MD) No.1160 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.1160 of 2022

Palanisamy Gounder

... Petitioner

Vs

Subramania Gounder

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, directing the Sub Court, Palani to dispose of the execution proceedings in E.P.No.68 of 2013 in O.S.No.368 of 2001 pending before the Sub Court, Palani as expeditiously as possible.

For Petitioner : Mr.R.Mohan

For Respondent : Mr.D.Venkatesan

ORDER

This petition has been filed for a direction to the Sub Judge, Palani to dispose of E.P.No.68 of 2013 in O.S.No.368 of 2001 as expeditiously as possible.



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2.The learned Counsel for the petitioner submits the petitioner has filed suit in O.S.No.368 of 2001 before the Sub Court, Palani for recovery of money. The suit was decreed in favour of the petitioner on 10.10.2002 and therefore, filed an execution petition in E.P.No.68 of 2013 for auction sale of the respondent's property. While so the respondent's son filed appeal in E.A.No.26 of 2016 for counterclaim against the petitioner and the same is pending for more than six years. The petitioner's son also filed E.A.No.104 of 2021.

3.The learned Counsel also submits that the petitioner is aged about 77 years and he is facing the senility diseases. However, the respondents one way or the other, dragging on the proceedings in E.P.No.68 of 2013 in O.S.No.368 of 2001. Therefore, the petitioner has filed this petition for a direction to court concerned as above.

4.The learned Counsel for the respondent submits that the respondent has filed an E.A.No.26 of 2016 and they are not dragging on the proceedings as alleged by the petitioner.



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5.The petitioner is the decree holder in O.S.No.368 of 2001 and the decree was passed in the year 2002. Subsequently, the petitioner filed an execution proceedings in E.P.No.68 of 2013 in O.S.No.368 of 2001. However, the same is pending for the past nine years. The respondents claim they are not dragging on the proceedings.

6.Under such circumstances, the civil revision petition is disposed of with a direction to the learned Sub Judge, Palani to dispose of the execution proceedings in E.P.No.68 of 2013 in O.S.No.368 of 2001 within a period of four months from the date of receipt of a copy of this order. No costs.

21.07.2022

dsk
To
The Sub Judge,
Palani.



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B.PUGALENDHI, J.

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