



CRP(PD)(MD)No.1534 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1534 of 2022

1.R.Padmavathi
2.R.Jayakumar
3.R.Karthikeyan

... Petitioners

Vs

1.S.Rajeswari
2.R.Jayabalasubramanian
3.R.Rengarajan

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to direct the lower Court for expeditious disposal of the application in I.A.No.1 of 2022 in A.S.SR.No.470 of 2022, on the file of the Principal Sub Court, Tiruchirapalli, within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan
For R1 : Mr.K.K.Senthil
For R2 & R3 : No appearance



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CRP(PD)(MD)No.1534 of 2022

ORDER

This Civil Revision Petition is filed for early disposal of I.A.No.1 of 2022 in A.S.SR.No.470 of 2022, pending on the file of the Principal Sub Court, Tiruchirapalli.

2.The learned counsel appearing for the petitioners submits that the petitioners suffered a decree in O.S.No.1643 of 2007 on the file of the District Munsif Court, Tiruchirapalli and they have preferred an appeal with a delay of 188 days in I.A.No.1 of 2022 in A.S.SR No.470 of 2022, before the Principal Sub Court, Tiruchirapalli and the same is pending. In the meantime, the first respondent filed E.P.No.28 of 2020 before the Executing Court seeking an order of delivery. The learned counsel further submits that since E.P.No.28 of 2020 is pending from the year 2020, if the application in I.A.No.1 of 2022 in A.S.SR No.470 of 2022 is not disposed of within the reasonable time, the petitioners' right would be affected.



CRP(PD)(MD)No.1534 of 2022

3. On the other hand, the learned counsel appearing for the first respondent submits that from the beginning, the petitioners are protracting the trial in one way or other and he also furnished the details with regard to the proceedings, which went before the trial Court. The learned counsel further submits that the execution proceedings has been initiated in the year 2020, wherein, the revision petitioners have entered appearance on 29.03.2021 and thereafter the interlocutory application in I.A.No.1 of 2022 was filed only on 07.06.2022 with a delay of 904 days and not as claimed by the petitioners, the delay is 188 days. He further submits that there is no delay on the part of the respondents in I.A.No.1 of 2022 as they have already filed counter affidavit. It is also reported that the next date of hearing of I.A.No.1 of 2022 is 10.11.2022.

4. This Court considered the rival submissions made and also perused the materials placed on record.



CRP(PD)(MD)No.1534 of 2022

5.Considering the fact that E.P.No.28 of 2020 is pending from the year 2020 before the District Munsif Court, Trichy and considering the submission of the learned counsel for the petitioners that if the application in I.A.No.1 of 2022 in A.S.SR No.470 of 2022 is not disposed of at the earliest, the rights of the petitioners would be affected, this Civil Revision Petition is disposed of with a direction to the learned Principal Subordinate Judge, Tiruchirapalli to dispose of I.A.No.1 of 2022 in A.S.SR No.470 of 2022 within 10 days from the date of receipt of a copy of this order. No costs.

09.11.2022

Index : Yes / No.

Internet : Yes / No.

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Note: Issue order copy today **09.11.2022**

To

The Principal Sub Court, Tiruchirapalli.



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CRP(PD)(MD)No.1534 of 2022

B.PUGALENDHI, J.

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Order made in
CRP(PD)(MD)No.1534 of 2022

09.11.2022