



CRP(PD)(MD)No.2237 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2237 of 2022

Bibin Rajesh @ Pivin

... Petitioner

Vs

1.Leela Bai

2.Gopalan

3.Nagammal

4.Suresh Kumar

5.Selvi Sutheesh Kumari

6.Selvi Satheesh Kumari

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to direct the Sub Court, Kuzhithurai to dispose the appeal suit in A.S.No. 36 of 2021 in a speedy manner within a time frame as fixed by this Court.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : No appearance

ORDER

This revision petition is filed seeking for a direction to the



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learned Sub Judge, Kuzhithurai to dispose of the appeal suit in A.S.No. 36 of 2021 in a time bound manner.

2.The learned counsel appearing for the petitioner submits that the first respondent filed a claim petition in EA.No. 1 of 2021, under Order 21 Rule 97 of Civil Procedure Code before the Execution Court in E.P.No.42 of 2019 and the same was dismissed by the Court by order dated 13.11.2021, as against which, the first respondent preferred an appeal suit in A.S.No.36 of 2021 before the Sub Court, Kuzhithurai on 16.12.2021, wherein, both side arguments have been advanced in the month of February, 2022 itself and thereafter the appeal was posted for judgment on 02.03.2022. Even then,the judgment has not been passed by the first Appellate Court. The grievance of the petitioner is that though he obtained a decree in the main suit in O.S.No.272 of 2004 in the year 2005, he could not enjoy the fruits of the decree for the past 17 years and therefore, he seeks for an early disposal of A.S.No. 36 of 2021.



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3.This Court considered the submissions of the learned counsel for the petitioner and perused the materials placed on record.

4.Though notice was ordered to the second respondent and his name also printed, there is no representation for the second respondent.

5.The case of the petitioner is that the petitioner as a plaintiff filed a suit in O.S.No.272 of 2004 for the relief of declaration and for permanent injunction and the suit was decreed in his favour during 2005 itself. Challenging the same, appeals filed by the respondents were also dismissed. Thereafter, the first respondent filed a claim petition in EA.No.1 of 2021, under Order 21 Rule 97 of Civil Procedure Code before the Execution Court in E.P.No.42 of 2019, which was also dismissed. Challenging the same, the appeal suit in A.S.No.36 of 2021 was preferred by the first respondent before the Sub Court, Kuzhithurai on 16.12.2021, which is still pending. It is to be



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noted that the appeal suit has been argued in the month of March 2022 itself and it is now at the stage of pronouncement of orders.

6.Considering the fact that the suit was decreed in the year 2005 itself and the proceedings are delayed for years together, this Court is inclined to dispose of this Civil Revision Petition with a direction to the learned Sub Judge, Kuzhithurai to dispose of A.S.No.36 of 2021 within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Civil Revision Petition is disposed of. No costs.

20.12.2022

Index : Yes / No.

Internet : Yes / No.

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To

The Sub Court, Kuzhithurai

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B.PUGALENDHI, J.

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Order made in
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20.12.2022