



CRP(PD)(MD)Nos.2553 and 2554 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)Nos.2553 and 2554 of 2022

CRP(PD)(MD)No.2553 of 2022

Tuticorin Diocese Association,
through its Procurator cum Secretary,
G.C.Road,
Thoothukudi.

... Petitioner

versus

1. M/s.A.M.Muthiah Nadar & Sons,
Through its proprietor Marimuthu Noble,
S/o. Muthiah Nadar,
51, G.C.Road,
Thoothukudi.

2. A.M.M.Mari Muthu Noble

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction for early disposal of the petition to set aside the ex parte order in E.A.No.1 of 2021 in E.P.No.119 of 2019 in O.S.No.237 of 2003, on the file of the Principal District Munsif, Thoothukudi.



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For Petitioner : Mrs.P.Jessi Jeeva Priya

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For Petitioner : Mrs.P.Jessi Jeeva Priya

COMMON ORDER

The petitioner/decreed holder has filed these Civil Revision Petitions for early disposal of E.P.No.119 of 2019, which is pending



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before the learned Principal District Munsif, Thoothukudi and also for early disposal of E.A.No.1 of 2021 in E.P.No.119 of 2019.

2. The learned counsel appearing for the petitioner submits that the petitioner/landlord filed a suit for ejectment against the respondent in O.S.No.237 of 2003 and the same was decreed in favour of the petitioner on 12.11.2003. Aggrieved over the same, the respondent filed an appeal in A.S.No.140 of 2005 before the Sub Court, Thoothukudi, which was dismissed on 26.11.2008. Thereafter, the Second Appeal preferred by the respondent was also dismissed on 23.10.2019. After the dismissal of the second appeal, the petitioner/landlord filed an Execution Petition in E.P.No.119 of 2019 on 20.12.2019. In the said execution petition, the respondent remained *ex parte* and filed an application E.A.No.1 of 2021 to set aside the *ex parte* order, on 08.02.2020. The application filed in the year 2020 was numbered in the year 2021 and still pending without disposal. Therefore, the petitioner/landlord has approached this Court for a



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direction. The learned counsel claims that in order to avoid further delay, he is not having an objection to allow E.A.No.1 of 2021 on terms.

3. Considering the submission made by the learned counsel for the petitioner and also considering the fact that the suit in O.S.No.237 of 2003 was decreed in the year 2003, there shall be a direction to the learned Principal District Munsif, Thoothukudi, to dispose of E.A.No.1 of 2021, within a period of four weeks from the date of receipt of a copy of this order and to dispose of E.P.No.119 of 2019 within a period of four months thereafter.

4. With the above direction, both the Civil Revision Petitions are disposed of. No costs.

22.12.2022

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Index : Yes / No.

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To

1. The Principal District Munsif,
Thoothukudi.



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B.PUGALENDHI, J.

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