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C.R.P.No.1653 of 20__



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HON'BLE DR. JUSTICE D.NAGARJUN

C.R.P.No.1653 of 2023

1. Jagadeesan
2. Senthilkumar
Vs.
... Petitioners

1. Vaithianathan
2. Pari
3. Jeejabai
4. Division Engineer IOB, Chennai
Indian Burma Petroleum
10, Mayor Ramanathan Road,
Chetpet, Chennai.

5. Gopi @ Shankar

6. Minor Saranya
D/o.Gopi @ Shankar,
rep.by her Father Gopi @ Shankar
... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying direct the Lower Court to hear the R.E.A.No.36 of 2019 in R.E.P.No.4 of 2018 in O.S.No.67 of 2023 on the file of the District Munsif-cum-Judicial Magistrate, Vazhapadi and dispose it of within a time frame.

For Petitioners : Mr.D.Velmurugan

ORDER



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This revision petition is filed seeking for direction to the learned District Munsif-cum-Judicial Magistrate, Vazhapadi in R.E.A.No.36 of 2019 in R.E.P.No.4 of 2018 in O.S.No.67 of 2003 to dispose it of within a time frame fixed by this Court.

2. It is submitted by the learned counsel for the petitioner that he has filed an Execution Petition in E.P.No.4 of 2018 to execute the decree in O.S.No.67 of 2003 and in order to execute the same, the Advocate Commissioner has already been appointed. However, when he has made an attempt to execute the same, the respondent/JD has prevented him on which, the learned Advocate Commissioner has filed a memo before that Court stating that he is unable to execute the warrant and thereby sought police aid for execution of the warrant.

3. The Petitioner has filed R.E.A.No.36 of 2019 for providing police protection to the Advocate Commissioner for execution of warrant and the same is pending since 2019. It is surprised to know that when the Advocate Commissioner has filed the memo in 2019 that he is unable to execute the warrant on account of the respondents, the Court which has issued the



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warrant to the Advocate Commissioner should have come to his rescue suo-motu directing police protection for execution of the warrant. However, the application filed by the petitioner seeking police aid is kept pending.

4. Considering the circumstances, the learned District Munsif-cum-Judicial Magistrate, Vazhapadi is directed to dispose of R.E.A.No.36 of 2019 in R.E.P.No.4 of 2018 in O.S.No.67 of 2003 as expeditiously as possible not later than one month from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is disposed of. No costs.

15.06.2023

Speaking/Non-speaking order

Index : Yes/No

Neutral Citation: Yes/No

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To

The Division Engineer IOB, Chennai
Indian Burma Petroleum
10, Mayor Ramanathan Road,
Chetpet, Chennai.



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Dr.D.NAGARJUN,J.

Kv

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