



C.R.P.No.276 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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S.K.Komarasamy (Died)

1. Pongiammal
2. Subramanian
3. Shanmugam
4. Velumani

...Petitioners

Vs.

Madhakkuravan (Died)
Ramakkal (Died)
Nanjappan (Died)

1. Rathinambal
2. Vasanthi
3. Rajendiran @ Amirthalingam

Nagarajan (Died)

4. Kuppammal
5. Nataraj
6. Selvaraj
7. S.N.Subramani
8. Duraisamy

Saminathan (Died)



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9. Nagalakshmi
10. Mahesh Kumar
11. Lalitha
12. Raghupathy

Shanmugam (Died)

13. Padma
14. Saravanakumar
15. Suresh
16. Maaraal

Rajamani (Died)

17. Kalavathi
18. Valliammal @ Rasathi
19. Kuyilal @ Kamalam
20. Karungkutty @ Sarasu

Kaliammal (Died)

Balasubramaniam (Died)

21. Soundari
22. Selvaraj
23. Somu

Karuppayal (Died)

24. Sellayammal
25. P.T.Subramaniyan
26. Senthamilselvan
27. Ponnusamy

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to issue direction to the learned District Munsif Court, Sathyamangalam to dispose of the E.P.No.33 of 1987 on the file of the Ld. District Munsif Court, Sathyamangalam (E.P.No.106 of 1982) in O.S.No.1897 of 1981 (Ld. DMC, Gobi) within the time frame fixed by this



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Hon'ble Court.

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For Petitioners : Mr.N.Manoharan

ORDER

The present Civil Revision Petition has been filed under Article 227 of the Constitution of India, seeking execution of the decree made in O.S.No.1879 of 1981.

2. Learned Counsel for the Petitioners submitted that, the Suit in O.S.No.447 of 1996 on the file of the Learned District Munsif Court, Sathyamangalam was filed by the legal heirs of one Perumal Gounder as against the decree holder in O.S.No.1879 of 1981 namely, S.K.Komarasamy Gounder, for declaration and permanent injunction, based on the Sale Agreement entered into between one Madhakkuavan and their father Perumal Gounder and the same was dismissed on 09.08.2000. Aggrieved by the said dismissal order, the plaintiffs in O.S.No.447 of 1996 filed an Appeal in A.S.No.48 of 2000 before the Sub Court, Gobichettipalayam and the same was allowed as per judgment and decree dated 16.08.2001.

3. He further submitted that, aggrieved by the above said Judgment



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dated 16.08.2001, the said S.K.Komarasamy Gounder, filed a Second Appeal in S.A.No.425 of 2002 and the said Second Appeal was allowed by this Court, as per judgment dated 21.12.2017, confirming the decree passed in O.S.No.447 of 1996. Aggrieved by the said judgment dated 21.12.2017, the Plaintiffs in the Suit in O.S.No.447 of 1996, who are the respondents in the Second Appeal in S.A.No.425 of 2002 preferred SLP Civil No.21628 of 2018 before the Hon'ble Supreme Court and the same was also dismissed as per order dated 04.09.2018.

4. Therefore, the judgment dated 21.12.2017 passed by this Court in S.A.No.425 of 2002, confirming the decree dated 09.08.2000 passed by the Learned District Munsif, Sathyamangalam in O.S.No.447 of 1996 had attained finality. Therefore, the Execution Petition in E.P.No.33 of 1987 has to be disposed of. However, till date, the learned District Munsif, Sathyamangalam had not disposed of the above said Execution Petition, despite the decree holder furnishing all the copies of the judgment and decree. Hence, the petitioners have approached this Court by way of filing this Civil Revision Petition under Article 227 of the Constitution of India,



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seeking issuance of direction to the learned District Munsif, Sathyamangalam to dispose of the E.P.No.33 of 1987.

5. In the light of the decree dated 09.08.2000 made in O.S.No.447 of 1996 and the judgment and decree dated 21.12.2017 made in S.A.No.425 of 2002, which was also confirmed up to the level of Hon'ble Supreme Court, this Court, issues direction to the Learned District Munsif, Sathyamangalam to dispose of the Execution Petition in E.P.No.33 of 1987 within a period of one month from the date of receipt of a copy of this order and report compliance before this Court.

6. Accordingly, this Civil Revision Petition stands allowed. No costs.

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skt

Index : Yes / No

Internet : Yes / No

To

The District Munsif Court,

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Sathyamangalam.

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SATHI KUMAR SUKUMARA KURUP., J.

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