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C.R.P.Nos.3183 & 3189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE V. BHAVANI SUBBAROYAN

Civil Revision Petition.Nos.3183 &3189 of 2023

Kulsumbee

Abdul Sattar (Died)

... Petitioner in both CRPs

Vs.

Nazar

... Respondent in CRP.No.3183 of 2023

S.Babajohn (Died)

1.Zamruth Begam

2.Bathul

3.Sahina Banu

4.Shaysdna Begaum

5.Ali Abbas

... Respondents in CRP.No.3189 of 2023

Prayer in CRP No.3183 of 2023: Civil Revision Petition filed under Article 227 of the Constitution of India seeking for direction to the Hon'ble Principal



District Munsiff, Alandur to dispose of the Application in E.A.No.2 of 2022 in E.P.No.481 of 2013 in R.C.O.P.No.12 of 2007.

Prayer in CRP No.3189 of 2023: Civil Revision Petition filed under Article 227 of the Constitution of India seeking for direction to the Hon'ble Principal District Munsiff, Alandur to dispose of the case pending in E.A.No.2 of 2022 in E.P.No.482 of 2013 in R.C.O.P.No.13 of 2007.

In both CRPs:

For Petitioner : Mr.A.Mohamed Ismail

COMMON ORDER

These Civil Revision Petitions have been filed seeking for speedy disposal of the E.A.No.2 of 2022 in E.P.Nos.481 & 482 of 2013 in R.C.O.P.Nos.12 & 13 of 2007 pending on the file of the Principal District Munsiff.

2. The learned counsel for the petitioner in C.R.P.No.3183 of 2023 submitted that the respondent was a tenant under the petitioner's father late Mr.Abdul Sattar with respect to the property at Door No.301, MKN Road, Alandur, Chennai. The father of the petitioner filed R.C.O.P.No.12 of 2007 before the learned Principal District Munsiff, Alandur seeking delivery of vacant possession of the subject premises on the ground of demolition and



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reconstruction and owner's occupation and the same was allowed on 18.09.2013. Aggrieved by the same, the respondent had preferred an Appeal in R.C.A.No.18 of 2013 before the Sub Court, Tambaram and the same was dismissed by order dated 19.10.2022. Meanwhile, the father of the petitioner filed E.P.No.481 of 2013 before the learned Principal District Munsiff, Alandur. While the Execution Proceedings was pending, the father of the petitioner passed away on 28.10.2019. Thereafter, the petitioner's sisters had executed the Release Deed in favour of the petitioner dated 08.01.2021 vide Document No.78 of 2021. Thereby the petitioner has become the sole absolute owner of the subject property. Subsequently, the petitioner filed an application in E.A.No.2 of 2022 in E.P.No.481 of 2013 and the same is pending. Hence, petitioner has come forward with the present Civil Revision Petition.

3. The learned counsel for the petitioner in C.R.P.No.3189 of 2023 submitted that respondents were tenants under the father of the petitioner late Abdul Sattar with respect to the property at Door No.300, MKN Road, Alandur, Chennai. The father of the petitioner had filed R.C.O.P.No.13 of 2007 before the learned Principal District Munsiff, Alandur seeking delivery of vacant possession of the subject premises on the ground of demolition and



WEB C

reconstruction, owner's occupation and act of waste and the same was allowed and eviction was ordered as early on 17.09.2013. Aggrieved by the same, the respondents preferred an Appeal in R.C.A.No.19 of 2013 before the Sub Court, Tambaram and the same was dismissed. Meanwhile, the father of the petitioner filed E.P.No.482 of 2013 before the learned Principal District Munsiff, Alandur. While the Execution Proceedings was pending, the father of the petitioner passed away on 28.10.2019. Thereafter, the petitioner's sisters had executed Release Deed in favour of the petitioner by Release Deed dated 08.01.2021 vide Document No.78 of 2021. Thereby, the petitioner has become the sole absolute owner on of the subject property. The petitioner filed an application in E.A.No.2 of 2022 in E.P.No.482 of 2013 and the same is pending. Hence, petitioner has come forward with the present Civil Revision Petition.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. On a perusal the records, it reveals that R.C.O.P.No.12 & 13 of 2007, were filed in the year 2007 by the father of the petitioner and the matter is pending without any progress. Considering the facts and



C.R.P.Nos.3183 & 3189 of 2023

circumstances of the case and submissions made by the learned counsel for the petitioner, this Court is inclined to pass the following order:

“The learned Principal District Munsiff, Alandur, is hereby directed to dispose of E.A.No.2 of 2022 in E.P.Nos.481 and 482 of 2013 in R.C.O.P.Nos.12 and 13 of 2007 within a period of three months from the date of receipt of copy of this order”

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

01.09.2023

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Index:Yes/No

Speaking Order: Yes/No

To

The Principal District Munsiff, Alandur.



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C.R.P.Nos.3183 & 3189 of 2023

V. BHAVANI SUBBAROYAN, J.

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01.09.2023