



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-01-2023

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**CRP No.4064 of 2022**

1.P.Anbazzhagan  
2.Malarvizhi

... Petitioners

VS.

1.Sivakumar  
2.Punithavathi  
3.Chandra  
4.Balaji  
5.Poongavanam Ammal (Died)  
6.Veerasami (Died)

... Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, for a direction to dispose of the pending EP No.94 of 2019 in RCOP No.9 of 2011 on the file of the learned Principal District Munsiff, Chidambaram.

For Petitioners

: Mr.P.R.Thiruneelakandan



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For Respondents-1 and 2 : Mr.R.Guru Raj

For Respondents-3 and 4 : No Appearance

## **ORDER**

The present Civil Revision Petition has been filed for a direction to the learned Principal District Munsiff, Chidambaram to dispose of the pending EP No.94 of 2019 in RCOP No.9 of 2011.

2. The revision petitioners, who are the landlords, filed RCOP No.9 of 2011 to evict the respondents from the subject premises. The RCOP was allowed and the respondents-tenants are directed to vacate the premises and handover vacant possession, within a period of one month.

3. Since the respondents-tenants failed to vacate the premises and handover vacant possession to the revision petitioners-landlords, execution proceedings in EP No.94 of 2019 was filed. During the pendency of the execution proceedings, the respondents-tenants filed EA No.5 of 2021 and the Execution Court passed an order on 12.11.2021 rejecting the said application. Challenging the said order, the respondents-tenants filed CRP



(NPD) No.929 of 2022 and this Court by an order dated 29.07.2022

dismissed that Civil Revision Petition and the relevant portion of the said order reads as under:-

*“9. The order of eviction has already been passed and it has attained finality. The operation of which is also not stayed by any Court, the Executing Court is bound to execute the order. The Execution Court has rightly dealt the issue and dismissed the petition filed by the revision petitioner. I find no ground for interference.*

*10. In the result, this Civil Revision Petition is dismissed and the order dated 12.11.2021 passed in E.A.No.5 of 2021 in E.P.No.94 of 2019 in R.C.O.P.No.9 of 2011 by the learned Principal District Munsif, Chidambaram is confirmed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”*

4. The Execution Petition is in progress and the learned counsel for the revision petitioners-landlords states that the Execution Court is not disposing of the Execution Petition and it is pending for the past more than 3 years.



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5. In this regard, the leaned counsel for the revision petitioners relied on the judgment of the Hon'ble Supreme Court of India in the case of **Rahul S.Shah vs. Jinendra Kumar Gandhi [(2021) 6 SCC 418]**, wherein the Apex Court held that the Executing Court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

6. In the present case, as per the revision petitioners-landlords, the respondents-tenants are in occupation of the subject premises for the past more than 15 years. The RCOP was instituted in the year 2011 and the Execution Petition was filed in the year 2019. In the event of enormous delay in disposing of the Rent Control Proceedings and the Execution Petition, the rights of the parties would be prejudiced.

7. The revision petitioners-landlords in the present case, though initiated proceedings for eviction in the year 2011, already 11 years lapsed and they are unable to execute the order of eviction passed on 19.12.2013.



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8. This being the factum established, the Execution Court/Principal District Munsiff, Chidambaram is directed to dispose of the execution proceedings in EP No.94 of 2019, within a period of one month from the date of receipt of a copy of this order.

9. Accordingly, the present Civil Revision Petition stands disposed of. However, there shall be no order as to costs.

**10-01-2023**

Svn  
Index : Yes / No  
Neutral Citation : Yes / No  
Speaking order / Non-speaking order

To

The Principal District Munsiff,  
Chidambaram.



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**S.M.SUBRAMANIAM, J.**

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