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CRP. No. 3800 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10. 2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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S.K.Komarasamy(Died)

1.Pongiammal

2.Subramanian

3.Shanmugam

4.Velumani

...Petitioners

Vs.

Madhakkuravan(Died)

Ramakkannan(Died)

Nanjappan(Died)

1.Rathinambal

2.Vasanthi

3.Rajendiran @ Amirthalingam

4.Kuppammal

5.Nataraj

6.Selvaraj

7.S.N. Subramani

8.Duraisamy

9.Nagalakshmi

10.Mahesh Kumar

11.Lalitha

12.Raghupathy

13.Padma

14.Saravanakumar



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- 15.Suresh
- 16.Maaraal
- Rajamani (Died)
- 17.Kalavathi
18. Valliammal & Rasathi
19. Kuyilal @ Kamalam
- 20.Karungkutty @ Sarasu
21. Soundari
22. Selvaraj
23. Somu
24. Sellayammal
25. P.T.subramaniyan
26. Senthamizhan
27. Ponnusamy

....Respondents

PRAYER : This petition filed under Article 227 of Constitution of India, to issue direction to the learned District Munsif Court, Sathyamangalam to dispose of the E.A No. 1 of 2019 in E.P No. 33 of 1987 on the file of the learned District Munsif court, Sathyamangalam with the time frame fixed by this Court.

For Petitioner : Mr. N.Manoharan

ORDER

This petition has been filed to issue direction to the learned District Munsif Court, Sathyamangalam to dispose of the E.A No. 1 of 2019 in E.P No. 33 of 1987 on the file of the learned District Munsif court,



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Sathyamangalam, within time frame fixed by this Court.

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2. The learned counsel for the petitioner submits that the petitioner's father filed O.S No. 1879 of 1981, on the file of the Distict Munsif Court, Gobichettipalayam for specific performance against the defendants and the same was decreed in favour of the petitioner's father. Thereafter, the petitioner's father filed E.P No. 106 of 1982 against the legal heirs of the deceased defendant Madhakkuruvan. Subsequently said E.P No. 106 of 1982 was transferred to District Munsif court, Sathyamangalam and renumbered as EP No. 33 of 1987. In the meantime, the legal heirs of one Perumal Gounder filed OS No. 447 of 1996 on the file of the District Munsif Court, Sathyamangalam, against the petitioners' father for declaration and permanent injunction and the same was dismissed on 09.08.2000. Aggrieved over the same, they filed A.S No. 48 of 2000 on the file of the learned Sub Court, Gobichettipalayam and the same was allowed on 16.08.2001. Challenging the same, the petitioners' father filed S.A No. 425 of 2002 and the same was allowed on 21.12.2017 by confirming the judgment of the Trial court. In the meanwhile, the petitioners' father was died and the petitioners were impleaded as legal heir. Again the plaintiff filed SLP No. 21628 of 2018 before the Hon'ble Supreme Court and the



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same was dismissed on 04.09.2018. Thereafter, the petitioners filed E.A No.

1 of 2019 in E.P No. 33 of 1987 before District Munsif Court, Sathyamangalam for delivery of possession but the same was periodically adjourned for last three years. Due to the prolonged delay the petitioner was not able to get possession of the properties. Further, he submits that the petitioners are senior citizen and even 40 years of the court decree the petitioners were not able to get possession of the properties. Hence he prays to allow this petition.

3. Considering the fact of the case, it is seen that E.A No. 1 of 2019 in E.P No. 33 of 1987 has been adjourned by the District Munsif court, Sathamangalam, for the past three years without deciding the matter. Further, the suit was decreed in the year 1987 due to subsequent litigations the petitioners were not able to get possession of the properties . Further, after disposal of SLP No. 21628 of 2018 the Court below ought to have proceed with the execution petition instead of that the case was adjourned and also the direction sought by the petitioner is maintainable. Hence, the District Munsif court, Sathamangalam, is directed to dispose E.A No. 1 of 2019 in E.P No. 33 of 1987 on merits within a period of six weeks from the date of receipt of a copy of this Order.



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4. In result, this Civil Revision petition is allowed. No Cost.

Consequently, connected miscellaneous petition is closed.

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T.V.THAMILSELVI,J.

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To

1. The District Munsif court, Sathyamangalam.

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