



C.R.P.No.444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 10.02.2025
CORAM

THE HONOURABLE THIRU JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.No.444 of 2023

1. Sithan,
S/o Late Panchianna Gounder,
Muthunaickenpatty Village & Post,
Omalur Taluk,
Salem District.
2. Suresh Kumar,
S/o Thangavel Gounder,
Opposite Throwpathiamman Kovil
Alagapuram,
Salem – 600 016.
3. Balasubramani,
S/o Annamalai,
Molayapatti,
Alagapuram – 600 016
Salem District.

.... Petitioners

VS

Krishnamoorthy,
S/o Lage rajamanickam,
Door No.3/36, Kalarpatti,
Muthunaickenpatty Village & Post,
Omalur Taluk, Salem District.

.... Respondent



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Civil Revision Petition filed under Article 227 of the Constitution of India

seeking a direction for expeditious disposal of the Execution Petition in E.P.No.1 of 2021 in O.S.No.397 of 2012 on the file of District Munsif Court, Omalur, Salem District.

For Petitioner : Mr.K.G.Kannan

ORDER

This Civil Revision Petition has been filed seeking a direction for expeditious disposal of the Execution Petition in E.P.No.1 of 2021 in O.S.No.397 of 2012 on the file of District Munsif Court, Omalur, Salem District.

2. The petitioners/plaintiffs have filed a suit in O.S.No.397 of 2012 for declaration, declaring the sale agreement executed among the defendants dated 15.06.2011 as null and void and to grant a decree of permanent injunction restraining the defendants from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit property and permanent injunction. The said suit was decreed exparte on 04.07.2017. Thereafter, the petitioners filed an execution petition in E.P.No.1 of 2021 in O.S.No.397 of 2012 against the respondents and the said execution petition is pending for more than 3 years. Hence, the present Civil Revision Petition has been filed.



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3. Learned counsel for the petitioners would submit that the suit filed by the petitioners for declaration and permanent injunction was decreed in favour of the petitioners and thereafter, an execution petition in E.P.No.1 of 2021 was filed as against the respondent. But the said execution petition is pending for more than 3 years. The respondent is prolonging and protracting the proceedings so as to harass the petitioners. Even after getting the decree in favour of the petitioners, they are unable to enjoy the fruits of the decree. Hence, he seeks for a direction to the executing Court to dispose of the Execution Petition filed by the petitioners within a specified time frame.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. On perusal of records, it is seen that the suit filed by the petitioners was decreed in the year 2017 and the execution petition filed by the petitioners on 21.12.2020 and numbered as E.P.No.1 of 2021 is still pending. The Hon'ble Apex Court, in *Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others*, reported in (2021) 6 SCC 418, while dealing with the delay in the execution proceedings



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have issued certain directions and also 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 view of the above, this Civil Revision Petition stands allowed with a direction to the District Munsif Court, Omalur, to dispose of the Execution Petition in E.P.No.1 of 2021 in O.S.No.397 of 2012, as expeditiously as possible, preferably, within a period of **four months** from the date of receipt of a copy of this order. No costs.

10.02.2025

vsi

Index:Yes/no

To

The District Munsif Court,
Omalur, Salem District.



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A.D.JAGADISH CHANDIRA,J.,

vsi

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