



C.R.P(MD)No.2203 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P(MD)No.2203 of 2013

Pitchai

... Petitioner / Petitioner
Plaintiff

Vs.

Ganesan (Died)

1.Pitchai (Died)
2.Lakshmi (Died)
3.Mani

... Respondents

(Respondent No.3 is brought on record as legal heir of the deceased respondents 1 & 2 vide Court order dated 03.03.2023 made in C.M.P(MD)Nos.1409, 1411 & 1412 of 2020 in C.R.P(MD)No.2203 of 2013)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned District Munsif Court, Musiri to dispose of the execution proceedings in E.P.No.4 of 2006 in O.S.No. 49 of 1998 on the file of the District Munsif, Musiri within the time stipulated by this Court.

1/5



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For Petitioner : Mr.R.Balakrishnan

For R-1 & R-2 : Died

For R-3 : No appearance

ORDER

The learned Counsel for the petitioner is present today and there is no representation for the respondent.

2. Considering the nature of this Civil Revision Petition, the case is taken up for hearing. A suit in O.S.No.49 of 1998 on the file of the learned District Munsif Court, Musiri, was a suit for specific performance which was decreed on 25.10.2002 and on the basis of that the sale deed was executed by the learned District Munsif Court, Musiri on 08.10.2004. Subsequent to the same, the E.P.No.4 of 2006 was filed in O.S.No.49 of 1998 on the file of the learned District Munsif Court, Musiri for delivery of property and that was pending for a prolonged period of time. Hence, the E.P petitioner (Pitchai) seeking speedy disposal of E.P.No.4 of 2006 in O.S.No.49 of 1998 which was pending



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for the past several years. This Court is coming down heavily on the attitude of the learned District Munsif Court, Musiri for keeping the Execution Petition pending for such a long period of 18 years.

3. This Court is of the considered view of seriously taking the prolonged pendency of the Execution Petition and the difficulty which is faced by the Execution Petition decree-holder, who is before the trial Court on a execution petition. Hence, this Court allow this Civil Revision Petition with a direction to the learned District Munsif, Musiri to conduct the E.P.No.4 of 2006 in O.S.No.49 of 1998 on the file of the learned District Munsif Court, Musiri as expeditiously as possible within a period of four (4) weeks from the date of receipt of a copy of this order.

4. With the above said direction, this Civil Revision Petition stands allowed. There shall be no order as to costs.

24.03.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
BTR

To

- 1.The District Munsif Court,
Musiri.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

BTR

Order made in
C.R.P(MD)No.2203 of 2013

24.03.2023