



C.R.P(MD)No.90 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.90 of 2023

Ramalakshmi

... Petitioner/Petitioner/
Plaintiff

Vs.

Subbaiah Nadar

... Respondent/Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Principal Subordinate Judge, Tenkasi to expedite the proceedings in E.P.No.26 of 2019 in O.S.No.328 of 2015 on its file, within a stipulated period as fixed by this Court and allow the Civil Revision Petition.

For Petitioner : Mr.A.Sankara Ramasubramanian

For Respondent : Mr.T.Indrachithu



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ORDER

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The present revision petition has been filed by the decree holder for expeditious disposal of E.P.No.26 of 2019 to execute the decree in O.S.No.328 of 2015 on the file of Principal Sub Court, Tenkasi.

2. The learned counsel appearing for the respondent brought to the notice of the Court that the respondent has filed a first appeal as against the judgment and decree in O.S.No.328 of 2015 before Principal District Court, Tirunelveli with a delay. The said delay application in I.A.No.1 of 2021 was dismissed on 29.03.2022. The said order was challenged before this Court in C.R.P(MD)No.1206 of 2022. Originally, this Court passed an order dated 01.11.2022 directing the defendant/appellant to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) directly to the respondent within a period of one month from the date of receipt of copy of that order. On production of the receipt, the first appeal was directed to be numbered, if it was otherwise in order.

3. On the allegation that the plaintiff/decreed holder had refused to receive the said amount, the defendant/appellant had filed C.M.P(MD)No.12570 of 2022 seeking permission of the Court to deposit the said amount before the Principal



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District Court, Tirunelveli instead of handing it over directly to the respondent. Considering the difficulty expressed by the defendant/appellant, this Court has allowed the said application on 02.01.2023 permitting the petitioner to deposit the said amount within a period of two weeks from the date of receipt of a copy of that order. According to the learned counsel appearing for the defendant/appellant, the said amount was deposited on 03.02.2023 as directed by this Court. Hence, the order of this Court in C.R.P(MD)No.1206 of 2022 has been complied with and the delay in filing the first appeal has been condoned. In such an event, this Court is not in a position to fix any time limit for disposal of E.P.No.26 of 2019 in O.S.No.328 of 2015. However, the learned Subordinate Judge, Tenkasi is directed to dispose of E.P.No.26 of 2019 as expeditiously as possible.

3. With the above said observations, this Civil Revision Petition stands disposed of. No costs.

14.02.2023

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

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To

- 1.The Principal Subordinate Judge, Tenkasi
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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