



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Sixth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRP(MD). No.915 of 2023

Matha Educational Society,

Reg No.11/1982 Rep by its Secretary

R.J.Robinson S/o.Robert Joseph Sarasavilasam

Estate, Karode Desom Manjalmoodu Post

Vilavancode Taluk

Kanyakumari District

... Petitioner/Petitioner/
Petitioner/Plaintiff

Vs

1 George Joseph,

S/o.Robert Joseph

G.L.House Vazhuthoor

Ward Neyyattinkara Village

Neyyattinkara Post

Neyyattinkara Taluk

Tiruvananthapuram District

Kerala St

..1st Respondent/1st Respondent
1st Respondent/1st Defendant

2 Janagaraj (Died),

..2nd Defendant

2.Baby Janagaraj

W/o.Janagaraj Priyadharshini

Yaloorkadu Ingamam Desom

Kaliyakkavilai Post

Kulappuram Village

Vilavancode Taluk

Kanyakumari District.

3 Ajin Devakumar

S/o.Janagaraj

Priyadharshini Yaloorkadu

Ingamam Desom

Kaliyakkavilai Post



Kulappuram Village
Vilavancode Taluk
Kanyakumari District.

...3& 4 Respondents/3 & 4 Respondents/
Proposed 3 & 4 Respondents/.3rd party

Prayer :-

This Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned Subordinate Judge, Kuzhithurai to dispose the execution application in E.A.No. 1 of 2021 in EP.No. 42 of 2021 in O.S.No. 37 of 1996 on the file of the Subordinate Judge, Kuzhithurai .

ORDER:- This Civil Revision Petition coming on for orders on this day and upon perusing the petition and earlier order of this court and letter in D.No10402/2023 A/ dated 26.10.2023 received from the Principal District Judge, Kanniyakumari District at Nagercoil forwarded by the letter in D.No. 1040/2023 dated 19.10.2023 from the Sub Judge, Kuzhithurai, this Court made the following order:

Today, this case is listed under the caption for "Extension of Time for Lower Court".

2. It is evident from the records that this Court, vide order dated 05.04.2023, directed the learned Subordinate Judge, Kuzhithurai, to dispose E.A.No.1 of 2021 in E.P.No.42 of 2021 in O.S.No.37 of 1996, within a period of three months from the date of receipt of a copy of that order.

3. The learned Subordinate Judge, Kuzhithurai, has submitted a requisition dated 19.10.2023 through the learned Principal District Judge, Kanniyakumari at Nagercoil, stating that pending E.A.No.1 of 2021, another application to receive



additional counter was filed in E.A.No.4 of 2021, that the said application was pending for orders and that since more than 2800 cases were pending, he could not dispose of the said application and seeks three months further time.

4. This Court, taking note of the fact that execution petition in E.A.No.1 of 2021 for impleadment is pending for orders from 12.04.2022, directed the learned Subordinate Judge to dispose of the said application within a period three months, but it is very shocking to notice the reply received from the learned Subordinate Judge. Though he has posted the E.A.No.4 of 2021 for the reception of additional counter for orders for so many hearings, now seeks three months further time to dispose of the said execution application. Though this Court is not inclined to accept the reasons assigned for extension of time, however, the learned Subordinate Judge, Kuzhithurai, is hereby directed to dispose of the application in E.A.No.1 of 2021 in E.P.No.42 of 2021 in O.S.No.37 of 1996, within a period of one month from today.

Sd/-

Assistant Registrar(Records)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)



1. The Principal District Judge,
Kanniyakumari District at Nagercoil,
2. The Subordinate Judge,
Kuzhithurai.
3. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai



WEB COPY



ORDER DATED : 06/12/2023

=====

EXTENSION OF TIME

=====

CRP(MD). No.915 of 2023

Giving direction and etc.
as stated within.

KB(07.12.2023) 5P 4C