



C.R.P.(MD) No.1966 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1966 of 2023

Kayamboo

... Petitioner

Vs.

G.Pandiselvi

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal Sub Court, Madurai to dispose E.P.No.60 of 2020 in O.S.No.301 of 2016 within a time frame as fixed by this Court.

For Petitioner : Mr.S.M.Kadhar

ORDER

This Civil Revision Petition has been filed by the petitioner for early disposal of E.P.No.60 of 2020 in O.S.No.301 of 2016 on the file of the Principal Sub Court, Madurai.

2. Since this Civil Revision Petition filed by the petitioner is only for early disposal of the E.P., the notice for the respondent is not required and is therefore dispensed with.



C.R.P.(MD) No.1966 of 2023

3. According to the petitioner, the petitioner filed O.S.No.301 of 2016 for recovery of a sum of Rs.5,30,400/- together with interest of Rs.4,00,000/- from the respondent and the same was decreed on 21.09.2016. It is submitted that thereafter, the petitioner filed a final decree application in I.A.No.484 of 2017 in O.S.No.301 of 2016 under Order 34 Rule 5 and Section 151 of the Code of Civil Procedure, 1908 for sale of mortgaged property which was allowed on 26.08.2019.

4. It is submitted that the petitioner thereafter filed E.P.No.60 of 2020 in O.S.No.301 of 2016 for execution of the said decree. The Executing Court has proceeded to sell the suit property. At that time, the respondent appeared and filed an application in E.A.No.478 of 2022 to set aside the *ex parte* order dated 30.03.2021 passed against her which is still pending.

5. It is further submitted that at the instance of the respondent, the above E.P. proceedings is dragged on and the Executing Court without any valid reasons periodically adjourned the matter without disposing the above E.P. It is further submitted that the petitioner is aged about 67 years and could not enjoy the fruits of the decree and therefore, the petitioner approached this Court for early disposal of E.P.No.60 of 2020.



C.R.P.(MD) No.1966 of 2023

WEB COPY

6. Considering the above facts and circumstances of the case, the learned Principal Sub Judge, Madurai is directed to dispose E.P.No.60 of 2020 in O.S.No.301 of 2016, expeditiously, within a period of 3 months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. No cost.

10.08.2023

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

To
The Principal Sub Judge,
Madurai.



WEB COPY



C.R.P.(MD) No.1966 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

jen

C.R.P.(MD) No.1966 of 2023

10.08.2023