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C.R.P(MD)No.1825 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1825 of 2023

S.Pon Siro Bella

... Petitioner / Petitioner
/ Degree Holder

Vs.

J.Finny Jefferson

...Respondent / Defendant
/ Judgment Debtor

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned 1st Additional Subordinate Judge, Nagercoil to dispose the E.P.No.107 of 2023 in O.S.No.372 of 2019 within a stipultaed period that may be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

ORDER

The Civil Revision Petition is filed by the petitioner/plaintiff for a direction to the learned 1st Additional Subordinate Judge, Nagercoil to dispose the E.P.No.107 of 2023 in O.S.No.372 of 2019 within a stipulated period that may be fixed by this Court.



2. According to the revision petitioner/plaintiff, he filed a suit in O.S.No.372 of 2019 for declaration and recovery of possession, before the Principal Subordinate Court, Nagercoil. Originally the suit was decreed as ex-parte, on 03.09.2021. Thereafter, the respondent/defendant filed an application to set aside the ex-parte decree and the said petition was allowed. After conducting the trial, the suit was decreed on 19.09.2022 in favour of the petitioner. Against which, the respondent filed an appeal.

3. The learned counsel appearing for the petitioner submitted that the petitioner filed an execution petition in E.P.No.107 of 2023, for delivery of possession, which is still pending before the Court below, without any progress and without any reason. Hence, he prays for early disposal of the execution petition.

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

5. Considering the facts and circumstances of the case, this Court directs the learned 1st Additional Subordinate Judge, Nagercoil, to dispose the E.P.No.107 of 2023 in O.S.No.372 of 2019 on merits and in accordance with law, without giving unnecessary adjournment, after affording sufficient



opportunities to the respective parties to put-forth their contention, as expeditiously as possible.

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6.With the above direction, this Civil Revision Petition is disposed

of. No costs.

26.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The 1st Additional Subordinate Judge,
Nagercoil.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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