



WEB COPY

C.R.P(MD)No.2595 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM

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

C.R.P(MD)No.2595 of 2022

Syed Hussain

... Revision Petitioner/Petitioner
No.5/Plaintiff No.7

Vs.

1.Mydeen Batcha

... Respondent No.1/
Respondent No.1/Legal heir of
Defendant No.1

2.Mohamed Ali

... Respondent No.2/Respondent
No.2/Legal heir of Defendant No.1

3.Anwar Ali

...Respondent No.3/Respondent
No.3/Legal heir of Defendant No.1

4.Durai

5.Shankar

6.Poopathi

7.Raja

8.Mumtaz Begum

9.Arabsha

10.Abdul Salam

11.Rakkammal

12.Rabiya Beevi

13.Ramjan Beevi

14.Nagarathinam

15.Thanalakshmi

16.Thanalakshmi

17.Hammath Beevi

18.Hameed

19.Munisamy

20.Palaniammal

21.Balkeesh



22.Azadh Ussain
23.Ayisha Beevi
24.Ayisha Beevi
25.Kaja Mydeen
26.Rashathakannisha
27.Rajakili
28.Syed Farook
29.Hajarammal
30.Abdullah
31.Ponmani

...Respondent Nos.4 to 31/
Respondent Nos.4 to 31/Defendant Nos.8 to 35

Syed Hanif
32.Noorjahan
33.Meharunnisha
34.Rajiya Begam
35.Syed Shajahan
36.Mohamed Goush
37.Sabeer @ Abdul Lathif

... Respondent No.32 to 37/
Petitioner Nos.2 to 4, 6 to 8/Plaintiff No.4to6,8to10

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal Sub Judge, Dindigul, to dispose the case in E.P.No.137 of 2015 in O.S.No.273 of 1976 on the file of the learned Principal Sub Judge, Dindigul, within a time frame fixed by this Court.

For Petitioner :Mr.A.Mohamed Riyaz
For Respondents :No appearance

ORDER

This civil revision petition is preferred by the plaintiff for a direction to the learned Principal Sub Judge, Dindigul, to dispose the case in E.P.No. 137 of 2015 in O.S.No.273 of 1976 within a time frame fixed by this Court.



WEB COPY

2.The petitioner/plaintiff filed the above suit in O.S.No.273 of 1976 for the relief of partition, in which, preliminary decree was passed on 08.08.1979. Thereafter, final decree was passed on 19.04.2001. Thereafter, the petitioner preferred E.P.No.137 of 2015 for execution of decree and the said proceeding is pending from the year 2015 without any progress.

3.According to the learned counsel for the revision petitioner, the petitioner is suffering from physical and mental agony due to the pendency of the execution proceedings and as such, he is unable to enjoy the fruits of the decree within his life time.

4.Heard the learned counsel appearing for the petitioner. Despite service of notice, there is no appearance on behalf of the respondent either in person or through counsel.

5.On perusal of the records, it is seen that the suit is of the year 2016 and the preliminary decree was passed on 08.08.1979 and final decree was passed on 19.04.2001. Thereafter, the execution petition in E.P.No.137 of 2015 is kept pending for more than 7 years without any progress.



6.Considering the facts and circumstances of the case, this Court directs the Principal Subordinate Judge, Dindigul, to dispose the E.P.No.137 of 2015 in O.S.No.273 of 1976, on merits and in accordance with law, without any unnecessary adjournments, after affording sufficient opportunities to the respective parties to put-forth their contentions, within a period of two months from the date of receipt of a copy of this order.

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

No costs.

19.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

To

1.The Principal Subordinate Judge,
Dindigul,

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



WEB COPY

C.R.P(MD)No.2595 of 2



K.GOVINDARAJAN THILAKAVADI, J.

Ns

C.R.P(MD)No.2595 of 2022

19.07.2023