



*C.R.P.(MD) No.2134 of 2023*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 31.08.2023**

**CORAM:**

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

C.R.P.(MD) No.2134 of 2023

M.S.Rubavathi ... Petitioner

Vs.

M.Thangavelu ... Respondent

Prayer :- Petition filed under Section 115 of the Code of Civil Procedure, prays to direct the III Additional Subordinate Judge, Madurai, to dispose of the E.A.No.70 of 2017 in E.P.No.259 of 2011 in O.S.No.501 of 2007 within a period of three months or any time frame fixed by this Court.

For Petitioner : Mr.A.Ravi Kumar

**ORDER**

This civil revision petition is filed to direct the III Additional



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Subordinate Judge, Madurai, to dispose of the E.A.No.70 of 2017 in E.P.No.259 of 2011 in O.S.No.501 of 2007 within a period of three months or any time frame fixed by this Court.

2. According to the revision petitioner, the revision petitioner as plaintiff filed the suit in O.S.No.501 of 2007 for the relief of specific performance and the same was decreed in favour of the petitioner on 24.06.2011. Against the said decree, no appeal or revision has been filed by the respondent till date. Therefore, the said decree attained its finality. For execution of the decree, the petitioner filed an execution petition in E.P.No.259 of 2011 on the file of the Third Additional Sub Court, Madurai and the sale deed was registered on 08.08.2017 itself before the 4th Joint Sub Registrar, Madurai. In pursuance of the sale deed executed, the petitioner filed an execution application in E.A.No.70 of 2017 for delivery of possession of the property and the same is pending for the past several months without any progress. Hence, the petitioner filed the above revision petition.



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3. The learned counsel for the petitioner would submit that the Court below is adjourned the matter for enquiry from 2018 onwards by which the petitioner is put to serious hardship. Further, the Court below has failed to consider that the delivery of the property should be ordered in the delivery petition without any delay and as expeditiously as possible. He would further submit that no other proceedings are pending in connection with the present suit and no stay order also in force. Hence, he prayed for earlier disposal of the said E.A.No.70 of 2017 on the file of the III Additional Subordinate Judge, Madurai.

4. Considering the limited prayer sought for in this revision petition, notice to other side is deemed unnecessary. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. Considering the facts and circumstances of the case and also considering the fact that the Execution application is pending from the year 2017 without any progress, this Court directs the learned



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III Additional Subordinate Judge, Madurai, to dispose of E.A.No.70 of 2017 in E.P.No.259 of 2011 in O.S.No.501 of 2007, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order, without any unnecessary delay.

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

No costs.

**31.08.2023**

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The III Additional Subordinate Judge,  
Madurai.



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**K.GOVINDARAJAN THILAKAVADI, J.**

cp

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