



C.R.P.(MD) No.2121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM

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

**C.R.P.(MD) No.2121 of 2023**  
and **C.M.P.(MD) No.10643 of 2023**

Krishnadas

... Petitioner

Vs.

E.Jebaraj

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Principal District Munsif, Kuzhithurai to dispose the E.P.No.20 of 2023 in O.S.No.266 of 2011 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.M.Mohan Gandhi

### **ORDER**

This Civil Revision Petition has been preferred by the petitioner for speedy disposal of E.P.No.20 of 2023 in O.S.No.266 of 2011 on the file of the Principal District Munsif Court, Kuzhithurai.

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



C.R.P.(MD) No.2121 of 2023

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3. According to the petitioner, the above suit in O.S.No.266 of 2011 was filed by the petitioner before the Principal District Munsif Court, Kuzhithurai for recovery of possession of the suit property and to vacate the respondent/defendant from the suit property. The said suit was decreed in favour of the petitioner/plaintiff on 30.07.2022, against which, the respondent/defendant filed A.S.No.37 of 2022 along with a Stay Petition to stay the operation of the decree dated 30.07.2022 passed in O.S.No.266 of 2011, before the Sub Court, Kuzhithurai.

4. It is submitted that since the Sub Court, Kuzhithurai in the Stay Petition filed by the respondent/defendant has not granted any stay, the petitioner/plaintiff filed E.P.No.20 of 2023 before the Execution Court. However, the Execution Court has not passed any order for execution of the decree till date. It is submitted that taking advantage of the delay in Execution Proceedings, the respondent/defendant is constructing a building in the suit property and is trying to create a new encumbrance in respect of the suit property. Therefore, the petitioner/plaintiff was constrained to approach this Court for speedy disposal of E.P.No.20 of 2023 in O.S.No.266 of 2011 on the file of the Principal District Munsif Court, Kuzhithurai.



C.R.P.(MD) No.2121 of 2023

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5. Considering the facts and circumstances of the case, the learned Principal District Munsif, Kuzhithurai is directed to dispose E.P.No.20 of 2023 in O.S.No.266 of 2011 on merits, without giving any unnecessary adjournments, expeditiously, within a period of 3 months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is disposed of. No cost. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

Internet : Yes/No

NCC : Yes/No

jen

To

The Principal District Munsif,  
Kuzhithurai



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C.R.P.(MD) No.2121 of 2023

**K.GOVINDARAJAN THILAKAVADI, J.**

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C.R.P.(MD) No.2121 of 2023  
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