



C.R.P.(MD) No.2435 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

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

C.R.P.(MD) No.2435 of 2023

S.Aruvugam

... Petitioner

Vs.

Alagu

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Melur, Madurai District to dispose E.P.No.10 of 2016 in O.S.No.10 of 2012 within stipulated time fixed by this Court.

For Petitioner : Mr.V.Karuna

ORDER

This Civil Revision Petition has been filed by the petitioner for speedy disposal of E.P.No.10 of 2016 in O.S.No.10 of 2012 on the file of the District Munsif Court, Melur, Madurai District.



C.R.P.(MD) No.2435 of 2023

WEB COPY

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

3. The suit in O.S.No.10 of 2012 was filed by the petitioner before the District Munsif Court, Melur, Madurai District for recovery of possession of the suit property and to vacate the respondent from the suit property. The said suit was decreed in favour of the petitioner on 08.09.2016. Thereafter, the petitioner filed E.P.No.10 of 2016 to execute the decree dated 08.09.2016 passed in the suit.

4. It is submitted that though E.P. was filed in the year 2016, the Execution Court has not executed the decree till date and taking advantage of the delay in executing the decree, the respondent is dwelling house in the suit property and creating law and order problem. It is further submitted that since the respondent is trying to create new encumbrance with respect to the suit property, the Execution Court ought to have executed the decree as there is no stay against the said decree till date.



C.R.P.(MD) No.2435 of 2023

WEB COPY

5. It is submitted that the petitioner could not enjoy the fruits of the decree for 8 years and therefore, he was constrained to approach this Court for speedy disposal of the E.P.

6. Considering the above facts and circumstances of the case, the learned District Munsif, Melur, Madurai District is directed to dispose E.P.No.10 of 2016 in O.S.No.10 of 2012 on merits, without giving any unnecessary adjournments, expeditiously, within a period of six months from the date of receipt of a copy of this order.

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

27.09.2023

Internet : Yes/No

NCC : Yes/No

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To

1.The District Munsif,
Melur, Madurai District.

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



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