



C.R.P.(MD)No.2729 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2729 of 2023

R.Chinniah
represented through his power agent
Ramamoorthy ... Petitioner

Vs.

Sethuraman (died)

1. S.Muthulakshmi

2. S.Chellappa

3. S.Karthik

4. S.Pandi ... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct Additional District Court, Sivagangai to expeditiously dispose the E.A.No.2 of 2022 in E.P.No.46 of 2020 in O.S.No.20 of 2012 on the file of the Additional District Court, Sivagangai and consequently direct the speedy disposal of execution petition pending in E.P.No.46 of 2020 in O.S.No.20 of 2012 on the file of the Additional District Court, Sivagangai.



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For Petitioner : M/s.K.Shwathini

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ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the application in E.A.No.2 of 2022 in E.P.No.46 of 2020 in O.S.No.20 of 2012 on the file of the Additional District Court, Sivagangai and consequently direct the speedy disposal of execution petition pending in E.P.No.46 of 2020 in O.S.No.20 of 2012 on the file of the Additional District Court, Sivagangai, within a specified time fixed by this Court.

2. Since the revision petition is filed for early disposal of the case, the issuance of notice to the respondents is not necessary.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner has filed a mortgage suit in O.S.No.20 of 2012 and after full-trial, preliminary decree was passed on 22.04.2015, that since the respondents have not complied with the preliminary decree, the revision petitioner was constrained to file an application for passing of final decree in I.A.No.46 of 2020 and final decree was passed on 07.02.2020 and that thereafter, the decree holder has laid an execution petition in E.P.No.46 of 2020. He would further submit that though the



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Executing Court, after hearing the counsel appearing for the revision petitioner, posted the case for respondents' side arguments, the respondents have filed a commission application in E.A.No.2 of 2022 and that though the Executing Court has heard the commission application and posted the same for orders, the same was reopened subsequently and the case is being adjourned.

4. Considering the submission made by the learned counsel appearing for the revision petitioner and taking note of the fact that preliminary decree was passed on 22.04.2015 and final decree was also passed on 07.02.2020, the Executing Court is hereby directed to dispose of the application in E.A.No.2 of 2022 within a period of 15 days from the date of receipt of a copy of this order and thereafter to dispose of the execution petition in E.P.No.46 of 2020 within a period of four months thereafter.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

30.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The Additional District Court,
Sivagangai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2729 of 2023

Dated : 30.10.2023