



C.R.P PD(MD) No.2599 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.2599 of 2022

R.Latha

... Petitioner

Vs

1.G.Eswaran

2.Dr.Porpirai Arunmala

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Thirumangalam to expedite the trial in E.P.No.1 of 2020 in O.S.No.1138 of 2014 on the file of the Subordinate Judge, Thirumangalam, within the stipulated period as fixed by this Court.

For Petitioner : Mr.V.Kishore Kumar
For Respondents : Mr.D.Marichamy

ORDER

This Civil Revision Petition is filed for an early disposal of



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E.P.No.1 of 2020 in O.S.No.1138 of 2014 on the file of the Subordinate Judge, Thirumangalam, within the time fixed by this Court.

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2.The learned Counsel appearing for the petitioner submits that the petitioner has filed a suit in O.S.No.1138 of 2014 as against the respondents, before the Sub Court, Madurai, for the relief of recovery of money. When the suit was posted for cross examination of PW 1, the respondents/defendants failed to appear and hence an exparte decree was passed on 11.02.2016. Thereafter, the respondents/defendants filed an application in I.A.No.451 of 2016 in O.S.No.1138 of 2014 to set aside the exparte decree. The trial Court was pleased to pass a conditional order directing the respondents to deposit a sum of Rs.2,40,250/- before the Sub Court. However, the respondents have not complied with the above order. Thereafter, the petitioner initiated execution proceedings in E.P.No.1 of 2020 in O.S.No.1138 of 2014. According to the petitioner, even in the Execution petition, the respondents made an endorsement that they have not filed any counter affidavit. Even then, the trial Court



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has not proceeded with the Execution proceedings and conclude the same. The grievance of the petitioner is that though the decree has been passed as early as on 11.02.2016 and the Execution Petition was filed in the year 2020, it is still pending without any progress. Hence, the petitioner seeks for an early disposal of the Execution proceedings.

3.This Court considered the submissions of the learned counsel for the petitioner and also perused the materials placed on record.

4.It is seen from the records that an exparte decree in O.S.No. 1138 of 2014 was passed as early as on 11.02.2016. Since the conditional order passed by the trial Court to set aside the exparte decree was not complied with by the respondents, the application filed by them for setting the exparte decree was dismissed. The execution proceedings initiated by the petitioner in E.P.No.1 of 2020 is still pending and it is posted to 01.03.2022 for enquiry.



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5.Considering the limited prayer sought for by the petitioner and also considering the fact that the suit is of the year 2014, this Court is inclined to dispose of this Civil Revision Petition with a direction to the learned Subordinate Judge, Thirumangalam, to dispose of E.P.No.1 of 2020 in O.S.No.1138 of 2014, within a period of three months from the date of receipt of a copy of this order.

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

02.02.2023

Index : Yes / No.

Internet : Yes / No.

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To

The Subordinate Judge, Thirumangalam



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B.PUGALENDHI, J.

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