



C.R.P(MD)No.3150 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD)No.3150 of 2023

R.M.Chockalingam ... Petitioner/Petitioner/Plaintiff
Vs.

Karaikudi Municipality,
Represented by its Commissioner,
Karaikudi,
Sivagangai District. ... Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned District Munsif Court, Karaikudi, to dispose of the Execution Petition in E.P.No.75 of 2022 in O.S.No.188 of 2005 within a time frame as fixed by this Court.

For Petitioner : Mr.P.Mani Anandh

ORDER

This Civil Revision Petition has been filed seeking a direction to the District Munsif, Karaikudi, to dispose of the Execution Petition in E.P.No.75 of 2022 in O.S.No.188 of 2005 within a time frame as fixed by this Court.



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2. In view of the relief sought for in this revision, notice to the respondent is dispensed with. This Civil Revision Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submits that a sale deed dated 23.06.2004 was executed in favour of the petitioner through power agent one S.Kumar S/o.Sankaranarayanan in respect of the property in Plot No. 10A comprised in Sub- Divided Town S.No.511/1A1A1A1B having an extent of 4429 Sq.ft situated at Sekkalai Kottai Village, Karaikudi, Sivagangai District. The learned counsel for the petitioner would further submit that the officials of the respondent Municipality prevented the petitioner from fencing and trespassed into the property, put up compound wall on the eastern side and put up Gymnastic Bar, Cement Slab Benches, Motor Room and Platforms for Footpath. The petitioner filed a suit in O.S.No. 188 of 2005 on the file of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi, for permanent and mandatory injunction against the respondent.



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4. The learned counsel for the petitioner submits that after full-fledged trial, the Principal District Munsif cum Judicial Magistrate, Karaikudi decreed the suit in favour of the petitioner. In A.S.No.51 of 2011, the learned Subordinate Judge, Devakottai, confirmed the said judgment and decree. This Court, in S.A. (MD).No.382 of 2020 by its judgment dated 24.10.2020, had once again confirmed the same. Even thereafter, the respondent municipality did not comply the direction issued by the trial court.

5. The learned counsel for the petitioner also submits that in the meanwhile, power agent namely, S.Kumar S/o.Sankaranarayanan passed away and in the month of November 2020, the petitioner filed an Execution Petition in E.P.No.44 of 2020 and thereafter, the same was transferred to the file of the District Munsif Court, Karaikudi and re-numbered as E.P.No.75 of 2022. The learned counsel would further submits that in the said Execution Petition, notice was served on 03.02.2021 and though the respondent appeared on 18.03.2021 itself, the case has been repeatedly



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adjourning for more than 15 hearings for filing of vakalat and counter by the respondent and finally, on 26.08.2022, the respondent filed his counter. The learned counsel would contend that even thereafter, the Execution Petition is kept pending till now without any valid reasons. He prays for a direction to dispose of the said Execution Petition.

6. Heard the learned counsel for the petitioner and perused the records available on record.

7. Initially, the suit was filed in the year 2005 and the Execution Petition was filed in the year 2020. Though the petitioner was successful in all the further proceedings, the petitioner could not enjoy the fruit of the decree till now.

8. Considering the facts and circumstances of the case, this Court is inclined to issue a direction to the court below in the interest of justice.



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9. Accordingly, the District Munsif, Karaikudi, is directed to dispose of E.P.No.75 of 2022 within a period of **two months** from the date of receipt of a copy of this order.

10. In the result, this Civil Revision Petition is disposed of.

11. No costs.

01.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,
1.The District Munsif Court, Karaikudi
2.The Section Officer, V.R. Section, Madurai Bench of Madras High Court, Madurai.



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BATTU DEVANAND, J.

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