



C.R.P.No.787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.787 of 2023

Selvaraj

.. Petitioner

Vs.

1.C.Gunasekaran

2.Valliammal

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the II Additional District Court, Erode to dispose the Execution Petition in E.P.No.9 of 2018 in O.S.No.209 of 2015.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.P.Thinesh

ORDER

This Civil Revision Petition has been filed seeking for a direction to the II Additional District Court, Erode to dispose the Execution Petition in E.P.No.9 of 2018 in O.S.No.209 of 2015.

2.The case of the petitioner/plaintiff is that the petitioner filed the suit for specific performance against the respondents before II Additional



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District Court, Erode. However, the Court below dismissed the suit for the relief of specific performance and ordered alternative remedy to return the amount of Rs.11 Lakhs with interest at 12% per annum from the date of agreement till filing of the suit and thereafter at 9% per annum till the date of decree and thereafter at 6% per annum till full and final repayment. Aggrieved over the same, an appeal was preferred by the respondents/defendants, which came to be dismissed. Therefore, the petitioner filed Execution Petition in E.P.No.9 of 2018 before the II Additional District Court, Erode, for recovery of amount. The respondents entered appearance in the said Execution Petition and filed their counter statement. However, there is no progress in the Execution Petition and the same was pending for a long time. Hence, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner submitted that the petitioner obtained decree in the year 2017 and filed Execution Petition in E.P.No.9 of 2018 in the year 2018 and the same was pending more than five years. He further submitted that in order to drag on the proceedings the respondents



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are continuously getting adjournments. Hence, he prayed for a direction of speedy disposal of the said Execution Petition.

4.Heard the learned counsel for the petitioner as well as the respondents and perused the materials available on record.

5.A perusal of the order passed by the Court below, it could be seen that the Execution Petition in E.P.No.9 of 2018 has been pending for more than five years without any progress. In such view of the matter, this Court directs the II Additional District Court, Erode to dispose of the Execution Petition in E.P.No.9 of 2018 in O.S.No.209 of 2015 as expeditiously as possible within a period of four months from the date of receipt of a copy of this order.

6.Accordingly, the Civil Revision Petition is disposed of. No costs.

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rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

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N.SATHISH KUMAR, J.

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To:

The II Additional District Judge, Erode.

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