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C.R.P.No.2267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2267 of 2024

Tamilarasi

... Petitioner

Vs.

1.Subramaniam

2.Nallammal

3.Bhuvaneshwari

4.Kannan

5.Shanthi

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the III Additional District Munsif Court, Kallakurichi to dispose of the execution petition filed in E.P.No.61 of 2017 in O.S.No.543 of 2003, on the file of III Additional District Munsif Court, Kallakurichi as expeditiously within the time frame.

For Petitioner : Mr.Sachin Vijay
for Ms.V.Srimathi

ORDER

This revision petition has been filed seeking a direction to the III Additional District Munsif Court, Kallakurichi to dispose of the execution



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petition filed in E.P.No.61 of 2017 in O.S.No.543 of 2003, within the time
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frame.

2.The petitioner as plaintiff filed a suit in O.S.No.543 of 2003, in which, preliminary decree was passed on 29.01.2007 and final decree passed on 04.06.2015. Thereafter, the petitioner filed an execution petition in E.P.No.61 of 2017.

3.The contention of the learned counsel for petitioner is that the respondents are filing one petition or other, thereby kept the E.P. pending and denied the petitioner's right of enjoyment of the property as per decree obtained. On 26.11.2018, E.A.No.102 of 2018 was filed by the respondent under Section 47 of C.P.C., which was numbered on 07.12.2018, thereafter it was periodically adjourned for enquiry. Though the petitioner was ready, the respondents were taking time in E.A.No.102 of 2018. Not stopping with that on 21.06.2022, the respondents filed E.A.No.40 of 2022 under Order 21 Rule



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97 and 98 of C.P.C. According to the petitioner, this petition is pre-matured and ought not to have been entertained. But the E.P. Court had taken it on file and thereafter E.A.No.40 of 2022 and E.A.No.102 of 2018 are pending for enquiry on the side of the respondents. He further submitted that the respondents once again filed a petition in E.A.No.36 of 2024 for appointment of an Advocate Commissioner, in which, the petitioner filed counter affidavit. The respondents/judgment debtors are successfully dragging on the E.P. proceedings from the year 2017. In support of his contention, the learned counsel produced the adjudication in E.P.No.61 of 2017. The adjudication confirms to the petitioner's contention.

4.Since it is only a limited prayer seeking direction to dispose of the Execution Petition in E.P.No.61 of 2017 within the stipulated period, notice to the respondents not required. Hence, notice to the respondents dispensed with.



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5.Considering the submissions made and on perusal of the materials, it is seen that the contention of the petitioner seems to be reasonable and support with the adjudication proceedings produced. In view of the same, this Court directs the Execution Court (III Additional District Munsif Court, Kallakurichi) to dispose of E.A.No.102 of 2018, E.A.No.40 of 2022 and E.A.No.36 of 2024 within a period of one month from the date of receipt of a copy of this order. The proceedings in E.P.No.61 of 2017 in O.S.No.543 of 2003 to be completed within a period of two months from thereon. Thus, the entire proceedings to be completed within a period of three months.

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

26.06.2024

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

rsi

Note: Issue order copy on 28.06.2024



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The III Additional District Munsif,
Kallakurichi.



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M.NIRMAL KUMAR, J.

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