



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2024

CORAM

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No. 2211 of 2024

K.Ramachandran

...Petitioner

Vs.

1.Visakar

2.Vinothini

3.Vimala

4.Vidya

5.Sentamilselvi

6.Muruvammal

7.The Sub Registrar,
Office of Sub Registrar,
Sirkali Town & Taluk & Munsif,
Mayiladuthurai.



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8.State of Tamil Nadu Rep by its,
The Collector,
Office of Collectorate Complex,
South Palpanaichery,
Nagapattinam Taluk & Munsif.

...Respondents

Prayer: Petition is filed under Article 227 of the Constitution of India to direct the Principal Sub Judge, Mayiladuthurai to dispose of the Execution Petition pending in E.P.No.392 of 2023 in O.S.No.123 of 2015.

For Petitioner : Mr. A.Mohamed Ismail

For Respondent 1 : Mr. B.Vijay
For Mr. B.Jawahar

For Respondents : No Appearance
2 to 6

For Respondents : Mr. C.Sathish
7 & 8 Government Advocate.



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ORDER

This petition seeks for expeditious disposal of E.P.No.392 of 2023 in O.S.No.123 of 2015 on the file of the Principal Subordinate Court , Mayiladuthurai.

2. O.S.No.123 of 2015 was filed for the relief of declaration that the sale deed dated 24.11.1998 is null and void and to declare the title of the petitioner. As a counter blast, the 1st respondent herein filed O.S.No.219 of 2015 before the Principal Subordinate Judge, Mayiladuthurai. Both the suits were tried together and the Sub Judge, Mayiladuthurai, granted all the reliefs other than the relief of recovery of possession.

3. Aggrieved by the same, the 1st respondent preferred two appeals in A.S.Nos.29 & 30 of 2017. The Additional District Judge, Mayiladuthurai, confirmed the Judgement and Decree of the



Subordinate Judge, Mayiladuthurai and in the Cross Appeal preferred by the petitioner also granted the relief of recovery of possession to the petitioner. The plaintiff in O.S.No.123 of 2015, in order to take delivery of possession, filed an Execution Petition in E.P.No.392 of 2023. As the proceedings were kept pending without disposal, the present Civil Revision Petition came to be filed.

4. Notice had been ordered in the said petition and Mr.B.Jawahar has entered appearance for the contesting respondent. He informed this Court that he has preferred an application to condone the delay in presenting the Second Appeal in C.M.P.No.20855 of 2024 in S.A.Sr.No.108210 of 2024. Since, the Second Appeal has been filed before this Court and in order to give time to Mr.B.Jawahar's client, I adjourned the matter.

5. Subsequently, it was reported that the delay had been condoned and the Second Appeal had been numbered in S.A.No.697 of 2024. Therefore, this Civil Revision Petition was adjourned awaiting



the disposal of the Second Appeal. When the matter was taken up today, Mr.Vijay representing Mr. B.Jawahar represents that the Second Appeal was dismissed on 15.10.2024.

6. As the only impediment for the execution proceedings, namely, pendency of the Second Appeal having been removed, there shall be a direction to the learned Principal Subordinate Judge, Mayiladuthurai, to dispose of E.P.No.392 of 2023, within a period of 3 months from the date of receipt of a copy of this order and to submit a report of compliance to this Court.

7. With the above observation, the Civil Revision Petition is disposed off. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Principal Sub Judge,
Mayiladuthurai.

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V.LAKSHMINARAYANAN, J.

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