



C.R.P.No.3074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3074 of 2024

K.Ramakrishna Naidu (Died)

Saraswathi

W/o. Late K.Ramakrishna Naidu

... Petitioner

Vs

1. P.N.Anandaraman

S/o. Natesa Iyer

Radha Lakshmi (Died)

2. Jayalakshmi

D/o. Natesa Iyer

Gopalakrishnan (Died)

3. Seetharaman

S/o.Natesa Iyer

4. Jayalakshmi

W/o. Late Gopalakrishnan

5. Chitra

W/o. Late Gopalakrishnan

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to issue direction to the learned IInd Additional Subordinate Judge,



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Coimbatore, for the speedy disposal of the Execution Petition in E.P.No.504 of 2019 in O.S.No.1109 of 1999, pending on the file of the learned IInd Additional Subordinate Judge, Coimbatore.

For Petitioner : Ms.N.Asmitha

ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the learned IInd Additional Subordinate Judge, Coimbatore, for the speedy disposal of the Execution Petition in E.P.No.504 of 2019 in O.S.No.1109 of 1999.

2. It is the case of the petitioner that the suit filed by the petitioner for specific performance in O.S.No.1109 of 1999 was decreed way back on 08.09.2004 by the learned IInd Additional Subordinate Judge, Coimbatore and that the petitioner had deposited the balance sale consideration of Rs.1,03,750/- on 28.09.2004, almost 20 years ago. Further, the learned Principal District Judge, Coimbatore, had dismissed the appeal suit filed by the respondents in A.S.No.145 of 2005 and thereafter, the respondents have preferred a second appeal before this



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Court S.A.No.816 of 2009, wherein, the decree has been confirmed. Subsequently, the respondents have also filed a SLP (Civil) No.1372 of 2013 before the Hon'ble Apex Court and the same was also dismissed at the admission stage.

3. Thereafter, the petitioner has filed an Execution Petition in E.P.No.504 of 2019 on 06.03.2019 for the relief of execution of the Sale Deed under Order XXI Rule 34 of CPC, whereas, the respondents are trying to delay the proceedings by one way or other and the execution petition is also adjourning without any reasons.

4. As on today, the E.A's filed by the respondents have also been disposed of, thereby, the learned counsel for the petitioner seeks a direction to the Executing Court to dispose of the Execution Petition filed by the petitioner within a specified time frame.

5. Heard the learned counsel for the petitioner and perused the materials available on record.



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6. On perusal of records, it is seen that the suit filed by the petitioner was decreed in the year 2004 and despite the dismissal of the Special Leave Petition filed by the respondents, the execution petition filed by the petitioner is pending from 2019. The Hon'ble Apex Court, in *Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others*, reported in (2021) 6 SCC 418, while dealing with the delay in the execution proceedings have issued certain directions and also held that the Executing Court must dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

7. In view of the above, this Civil Revision Petition stands allowed with a direction to the learned IInd Additional Subordinate Judge, Coimbatore, to dispose of the Execution Proceedings in E.P.No.504 of 2019, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
Neutral Citation : Yes / No
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To
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1. The IInd Additional Subordinate Judge,
Coimbatore.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



WEB COPY



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A.D.JAGADISH CHANDIRA, J.

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