



C.R.P.No.2775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2775 of 2024

Masa Abdullah Basha

... Petitioner

Vs.

R.Rosy Tharsha

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Hon'ble X Assistant City Civil Court, Chennai in E.P.No.478 of 2024 in O.S.No.7885 of 2022 to expedited the case.

For Petitioner : M/s.M.Nisha
for Mr.T.Jayaramaraj

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned X Assistant City Civil Court, Chennai to dispose of the petition in E.P.No.478 of 2024 in O.S.No.7885 of 2022 within a time frame as fixed by this Court.



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2. The contention of the learned counsel for petitioner is that the petitioner is the plaintiff who has filed the suit in O.S.No.7885 of 2022 against the respondent and the same was decreed on 16.11.2023 wherein the respondent/judgement debtor was directed to deliver and handover the vacant possession of the schedule mentioned property to the petitioner/decreed holder. Thereafter, the petitioner had filed Execution Petition No.478 of 2024 to pass final decree in terms of the preliminary decree. According to the petitioner, he is a senior citizen and with great difficulty, the judgement and decree was obtained directing the defendant to deliver the vacant possession and handover it to the petitioner. However, the respondent has been taking time in the execution proceedings in the result, the hearing of the Execution petition is periodically adjourned without any progress, further long dates are given without reasons.

3. In support of this contention, she has produced the E.P. Court



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proceedings, wherein it is stated as follows:-

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"On 06.03.2024 - Decree Holder counsel present. Batta not paid. Issue fresh notice to Judgement Debtor through Court of 10.04.2024. Batta in a week. Private notice also permitted.

On 10.04.2024 - Both side counsels present. Affidavit of Service uploaded with Acknowledgement Card of Judgement Debtor. M/s.Senthil Kumar Advocate filed Vakalat by Judgement Debtor. For furnishing copy of Execution Petition and for filing counter 22.04.2024.

On 22.04.2024 - Both counsels present. It is represented by the Decree Holder counsel that the Execution Petition Copies of EP Petition has been served to the counsel for the Judgement Debtor. Judgement Debtor counsel also acknowledged the receipt of the same. At request of Judgement Debtor counsel for filing counter as last chance by 03.06.2024.

On 03.06.2024 - Decree Holder present. Both side counsels present. Counter filed. For enquiry call on 01.07.2024.

On 01.07.2024 - Both side counsel present. Decree Holder side heard. Judgement Debtor side enquiry call on 01.08.2024. "



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From the E.P proceedings, it is evident that though the arguments of the counsel for the petitioner/deGREE holder was heard on 01.07.2024 thereafter, for respondent/Judgement debtor side enquiry the case adjourned to 01.08.2024.

4. The petitioner is a senior citizen, obtained decree against the respondent. The respondent not paid rent for the suit property this rental income is the main source of income for subsistence and for his medical requirements. Now the petitioner unable and denial to meet medical expenses. The respondent failed to vacate the property inspite of the decree passed in the suit. The respondent so far not paid the arrears of monthly rent dues, as on date for 22 months dues are to the tune of Rs.1,69,400/-. The granting long of adjournments is not proper.

5. Since it is only a limited prayer seeking direction to dispose of the petition in E.P.No.478 of 2024 in O.S.No.7885 of 2022 within the stipulated period, notice to the respondent is not required. Hence, notice to the respondent is hereby dispensed with.



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6. Considering the submissions made and on perusal of the material, this Court directs the learned X Assistant City Civil Court, Chennai to conclude the proceedings in E.P.No.478 of 2024 in O.S.No.7885 of 2022 without further delay, preferably within a period of two month from the date of receipt of a copy of this order.

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

23.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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M.NIRMAL KUMAR, J.

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To

The learned X Assistant City Civil Court,
Chennai.

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23.07.2024