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C.R.P.No.4365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.4365 of 2024

V.Lawrence

... Petitioner

Vs

1. M/s.Gammon India Limited,
Represented by its Managing Director,
Gammon House,
Veer Savarkar Marg, PB No.9129,
Prabha Devi, Mumbai – 400 025.
2. M/s.Gammon India Limited,
Represented by its Assistant General Manager,
Jindal Steel Works,
Toranagallu Village and Post,
Sandor Taluk, Bellari District,
Karnataka.

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to pass final orders directing the disposal of E.P.No.195 of 2022 in O.S.No.167 of 2013 on the file of the learned Additional District and Sessions Judge - IV, Ponneri, within a time frame as may be fixed by this Court.

For Petitioner : Mr.John Zachariah



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ORDER

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2. It is the case of the petitioner that the suit filed by the plaintiff/petitioner against the respondents/defendants in O.S.No.167 of 2013 before the Principal District Judge, Cuddalore, for recovery of money Rs.88,55,120/- due by the respondents/defendants, was decreed on 02.03.2020 after full fledged trial. Thereafter, the respondents had filed the appeal suit before this Court in A.S.No.119 of 2021 and pending the appeal, the petitioner/plaintiff has filed an execution petition in E.P.No.195 of 2022 and further, this Court on 15.02.2023 in C.M.P.No.18518 of 2021 in A.S.No.119 of 2021, had directed that the final orders can be passed in the execution petition and it shall be kept in a sealed cover till the disposal of the appeal. Due to the same, the proceedings in the execution petition are going on and no orders were passed and it is at the stage of arguments. Now, this Court, vide order dated 19.07.2024 had dismissed the appeal filed by the respondents, however, even thereafter, there is no progress in the execution petition. Thereby, the present Civil Revision Petition has been filed.



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3. Learned counsel for the petitioner submitted that the suit filed by the petitioner/plaintiff was decreed in favour of the petitioner in the year 2020 and the appeal filed against the same was also dismissed by this Court on 19.07.2024, however, final order has not been passed in the execution petition. Hence, he seeks for a direction to the executing Court to dispose of the Execution Petition filed by the petitioner within a specified time frame.

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

5. On perusal of records, it is seen that the suit filed by the petitioner was decreed in the year 2020 and despite the dismissal of the Appeal Suit filed by the respondents, the execution petition filed by the petitioner is pending from 2022. 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



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from the date of filing, which may be extended only by recording reasons in writing for such delay.

6. In view of the above, this Civil Revision Petition stands allowed with a direction to the learned Additional District and Sessions Judge - IV, Ponneri, to dispose of the Execution Petition in E.P.No.195 of 2022 in O.S.No.167 of 2013, as expeditiously as possible, preferably, within a period of **six months** from the date of receipt of a copy of this order. No costs.

30.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

The Additional District and Sessions Judge - IV,
Ponneri.



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A.D.JAGADISH CHANDIRA, J.

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