



C.R.P.No.5030 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.5030 of 2023

Sundaravel (died)

1. Muthamizhselvan

2. Santhakumari

3. Haribaskar

4. Deepika

...

Petitioners

Vs

Thirunarayanan (died)

1. Ravichandran

2. S. Uma Madhini

3. Sarathkumar

...

Respondents



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Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to speedy disposal of E.P.No.202 of 2017 in O.S.No.8 of 1989 on the file of the Subordinate Court, Jayankondam, within a stipulated time by appreciating the facts and circumstances.

For Petitioner : Mr M. Guruprasad

ORDER

This Civil Revision Petition has been filed for speedy disposal of the execution proceedings pending in E.P.No.202 of 2017 in O.S.No.8 of 1989 on the file of the Subordinate Court, Jayankondam.

2. The learned counsel for the petitioner submitted that the petitioner, who is a decree holder, had filed E.P.No.202 of 2017(previous E.P.No.25 of 2003) in O.S.No.8 of 1989 before the Subordinate Court, Jayankondam. All the Interlocutory applications in the said execution petition were disposed of and as on date, no CMA or CRP are pending. The said Execution Petition is pending from the year 2003 and hence, he seeks a direction for speedy



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disposal of the said Execution Petition.

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3. I have heard the submission of the learned counsel for the petitioner and perused the materials available on records carefully.

4. On going through the case status particulars, it reveals that the petitioner is the decree holder in the suit in O.S.No.8 of 1989, which was filed for specific performance based upon the agreement dated 01.02.1988. The said suit was decreed by the judgment dated 13.02.1992 and the same was confirmed by this Court in the appeal in A.S.No.532 of 1992 on 24.04.2023. Thereafter, Execution petition has been filed to execute the decree in the year 2003 in E.P.No.25 of 2003 on the file of the Subordinate Court Ariyalur. Subsequently, due to bifurcation of jurisdiction it was transferred to Subordinate Court, Jayankondam and renumbered as E.P.No.202 of 2017. It is also noticed that there is no interlocutory application pending in the said Execution Proceedings and the said Execution Proceeding is pending from the year 2003.



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5. Considering the above said facts and circumstances of the case, and also the fact that the Execution Petition is pending for a long period without any explainable reason, the Subordinate Court, Jayankondam, is hereby directed to dispose the E.P.No.202 of 2017 in O.S.No.8 of 1989 within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is allowed. No costs.

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Index: yes/no
Internet:yes/no
mrp

To

The Subordinate Judge,
Subordinate Court,
Jayankondam

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V. SIVAGNANAM, J.

mrp

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