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C.R.P.No.4420 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.4420 of 2024

E.K.Palanisami

... Petitioner

Vs

1. Parvathi

2. R.Sivakumar

3. Neelavathi

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to direct the I Additional District Court, Erode, to dispose off the execution proceedings in E.P.No.3 of 2024 in O.S.No.52 of 2011 at an early date

For Petitioner : Mr.P.Valliappan, Senior Advocate
for PV Law Associates

ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the I Additional District Court, Erode, for the speedy disposal of the E.P.No.3 of 2024 in O.S.No.52 of 2011.

2. It is the case of the petitioner that the suit filed by the plaintiff/petitioner



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against the respondents/defendants in O.S.No.52 of 2011 before the I Additional District Court, Erode, for specific performance or refund of advance amount, permanent injunction and other reliefs, was decreed on 21.01.2014 after full fledged trial. Thereafter, respondents 1 and 3 had filed the appeal suit before this Court in A.S.No.289 of 2014 and the same was partly allowed by this Court vide common judgment dated 22.02.2023. Thereafter, the petitioner had filed an execution petition before the I Additional District Court, Erode on 31.10.2023 and it came to be numbered as E.P.No.3 of 2024. While so, aggrieved over the judgment passed in A.S.No.289 of 2014, the respondents 1 and 3 have also filed a Special Leave Petition before the Hon'ble Supreme Court and the same also came to be dismissed on 29.07.2024. However, even thereafter, there is no progress in the execution petition, hence, the present Civil Revision Petition has been filed.

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 2014 and the appeal filed against the same was partly allowed by this Court on 22.02.2023, and further, the special leave petition preferred before the Hon'ble Apex Court has also dismissed on 29.07.2024. However, the execution petition is adjourned without



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any reasons and further, even after getting the decree in favour, the petitioner is unable to enjoy the fruits of the decree. 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 2014 and despite the dismissal of the Special Leave Petition filed by the respondents, the execution petition filed by the petitioner on 31.10.2023 and numbered as E.P.No.3 of 2024 is still pending. 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.



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6. In view of the above, this Civil Revision Petition stands allowed with a direction to the I Additional District Court, Erode, to dispose of the Execution Petition in E.P.No.3 of 2024 in O.S.No.52 of 2011, as expeditiously as possible, preferably, within a period of **four 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 I Additional District Court,
Erode.



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A.D.JAGADISH CHANDIRA, J.

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