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C.R.P.(NPD) No.5212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.5212 of 2024

S.Baskar

... Petitioner/Petitioner/Decree Holder

-VS-

1. M.Subramanian

2. Jaisankar

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition filed under Section 115 of CPC to allow the revision petition by directing the learned Principal District Munsif, Kancheepuram to conclude the execution proceedings in E.P.No.18 of 2013.

For Petitioner : Mr.K.T.S.Sivakumar

ORDER

The Civil Revision Petition has been filed for a direction to the Principal District Munsif, Kancheepuram to conclude the execution proceedings in E.P.No.18 of 2013.



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2. Initially, a suit in O.S.No.311 of 2007 had been filed by the plaintiff for cancellation of the Sale Deed dated 10.07.2002 registered as Doc.No.1918 of 2002 on the file of Sub Registrar, Walajabad. The Trial Court decreed the suit on 12.07.2012 and the following decree has been passed:

“1. That the 2nd defendant be and is hereby directed to execute the necessary documents for setting aside the sale deed dated 10.7.20002 in Document No.1918/2002 in Sub Registrar, Walajabad. Amended as per memo dated 7.11.2012.

2. That the 2nd defendant be and is hereby directed to hand over the vacant possession of the suit property to the plaintiff.

3. It is hereby granted two months time for the compliance.

4. That the defendants be and are hereby directed to pay a sum of Rs.8,442.50/- being the cost of the suit to the plaintiff.”

3. To enforce the decree, E.P.No.18 of 2013 had been filed and the same was allowed on 12.03.2024. The order of the Executing Court indicates that only Execution Petition has been filed and there is no stay of further proceedings in the execution petition by the Appellate Court.



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4. The Executing Court ought to have directed the respondents to execute the document within a particular time as per the decree, failing which, the Executing Court itself ought to have executed necessary document. Without following the procedures as adumbrated, the Execution Petition itself was allowed and the order of the Executing Court is not proper in the eye of law.

5. In view of what is stated herein-above, it is directed that the Trial Court shall pass further orders, directing the respondents to execute the document within a particular time. If the respondents fail to obey the order, then the Court can proceed further to execute necessary document. Such exercise shall be concluded within a period of four months from the date of receipt of a copy of this order.

6. With the above observations and directions, this Civil Revision Petition is disposed of. No costs.

18.12.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
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N.SATHISH KUMAR,J.,
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To:

The Principal District Munsif,
Kancheepuram

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