



C.R.P(MD)No.3405 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.3405 of 2023

1.S.Thilagavathi

2.Selvarani

3.Geetha

4.Minor Balaji Sidarth

.. Petitioners/Judgment
Creditor/Plaintiffs

[3rd respondent is
represented by natural
guardian Geetha / 3rd
petitioner herein]

Vs.

1.Periya Natchammal

2.Rajambal

3.Anburaj

4.Kumar

5.Lakshmi

6.Usha

7.Senthil Kumar

.. Respondents /
Judgement Debtor/
1st defendant's legal heirs



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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Kulithalai, Karur District to expedite the proceedings in EP.No.7 of 2020 in OS.No. 167 of 1987 and to complete the execution proceedings within a period stipulated by this Court.

For Petitioners: Mr.R.Aravindraja

ORDER

This Civil Revision Petition has been filed to direct the learned District Munsif, Kulithalai, Karur District, to expedite the proceedings in EP.No.7 of 2020 in OS.No.167 of 1987 and to complete the execution proceedings within a period stipulated by this Court.

2. The suit in O.S.No.167 of 1987 was filed by the plaintiffs/Petitioners herein for recovery of possession and for mesne profit before the learned Additional District Munsif, Kulithalai. After adjudication, the trial Court dismissed the suit against which the plaintiffs filed an appeal in A.S.No.104 of 1995 before the learned Subordinate Judge, Kulithalai, Karur District. The said appeal was allowed by setting aside the judgment passed in the suit. Against which the defendants filed a second appeal before this Court in S.A.NO.331 of



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1997. This Court, by judgment dated 23.03.2021, confirmed the judgment and decree passed in the appeal suit in A.S.No.104 of 1995.

The petitioners filed execution petition seeking execution of the decree. Pending EP proceedings, since the 5th respondent was set exparte, he filed EA in E.A.No.6 of 2023 to set aside the exparte order. In that EA, though the 1st petitioner herein filed her counter as early on 27.03.2023, the execution Court granted adjournments periodically till 01.11.2023. Further the 4th respondent/judgment debtor is seeking adjournment to drag on the proceedings. Hence, he seeks speedy disposal of the execution petition.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. Though the 5th respondent namely, Kumar was set expare, the second appeal was disposed of on merits by this Court. Hence, considering the submission of the learned counsel for the petitioners and also considering the facts and circumstances of the case, this Court directs the learned District Munsif, Kulithalai, Karur District to expedite the proceedings in EP.No.7 of 2020 in O.S.No.167 of 1987 and complete



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the process of execution within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No Costs.

02.01.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
PJP

To

1. The District Munsif,
Thirumangalam.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

PJL

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