



C.R.P.No.555 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 18.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.555 of 2025

R.Nagarajan

... Petitioner

Vs

N.Gowri

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to issue direction to the V Additional District Court at Coimbatore, to dispose of the execution proceedings in E.P.No.172 of 2022 in O.S.No.14 of 2017 within a time frame.

For Petitioner : M/s.Saravabhuman Associates

ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the V Additional District Court, Coimbatore, for the speedy disposal of E.P.No.172 of 2022 in O.S.No.14 of 2017.



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WEB COPY 2. It is the case of the petitioner that in the suit filed by the plaintiff/petitioner against the respondent/defendant in O.S.No.14 of 2017 before the V Additional District Court, Coimbatore, for declaration, delivery of possession and other reliefs, the respondent/defendant was set ex-parte and an ex-parte judgment came to be passed on 03.11.2017 and thereafter, due to the application filed by the respondent seeking for set aside the ex-parte judgment, the suit was restored. However, the respondent was again set ex-parte and an ex-parte decree and judgment came to be passed on 20.12.2021. Thereafter, the petitioner had filed an execution petition before the V Additional District Court, Coimbatore on 24.02.2022 and the same was numbered as E.P.No.172 of 2022. However, till date, there is no progress in the execution petition and the executing Court has been repeatedly adjourning the matter for filing counter, thereby, 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 2017 and thereafter, the suit was restored and subsequently, the suit was again decreed in

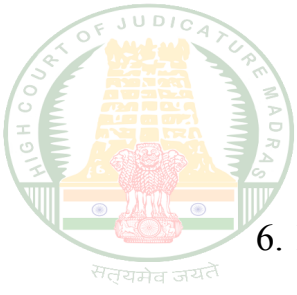


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favour of the petitioner/plaintiff on 20.12.2021. However, the execution petition filed by the petitioner in the year 2022 is still pending and therefore, even after getting the decree in his favour, the petitioner is unable to enjoy the fruits of 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 2021 and the execution petition filed by the petitioner in E.P.No.172 of 2022 is still pending from the year 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 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 V Additional District Court, Coimbatore, to dispose of the Execution Petition in E.P.No.172 of 2022 in O.S.No.14 of 2017, as expeditiously as possible, preferably, within a period of **six months** from the date of receipt of a copy of this order. No costs.

18.02.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

The V Additional District Court,
Coimbatore.



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A.D.JAGADISH CHANDIRA, J.

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