



C.R.P.No.680 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.680 of 2025

Anand @ Vivekanandan

... Petitioner

Vs

V.Palaniappan

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to direct the learned Subordinate Judge, Bhavani, to expedite and dispose of the suit with respect to the execution proceedings in E.P.No.30 of 2022 in O.S.No.112 of 2000 within the time frame.

For Petitioner : Mr.Nalliyappan

ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the Subordinate Court, Bhavani, for the speedy disposal of E.P.No.30



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of 2022 in O.S.No.112 of 2000.

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2. It is the case of the petitioner that the suit filed by the petitioner/plaintiff against the respondent/defendant in O.S.No.112 of 2000 before the Subordinate Court, Bhavani, for recovery of money was decreed on 28.01.2014 and against which, the respondent had preferred a first appeal in A.S.No.09 of 2015. The said first appeal was dismissed by the IV Additional District Court, Bhavani on 02.03.2017 and thereafter, the petitioner had filed an execution petition before the Subordinate Court, Bhavani, to recover the decree amount and it came to be numbered as E.P.No.30 of 2022. However, due to the applications filed by the respondent in the execution petition, there is no progress in the execution petition. 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 2014 and the appeal filed against the same was also dismissed on 02.03.2017. 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

WEB COPY 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 First Appeal filed by the respondent, the execution petition filed by the petitioner 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.

6. In view of the above, this Civil Revision Petition stands allowed with a



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direction to the Subordinate Court, Bhavani, to dispose of the Execution Petition

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in E.P.No.30 of 2022 in O.S.No.112 of 2000, as expeditiously as possible, preferably, within a period of **four months** from the date of receipt of a copy of this order. No costs.

20.02.2025

Index : Yes / No

Neutral Citation : Yes / No
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To

The Subordinate Court, Bhavani.



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A.D.JAGADISH CHANDIRA, J.

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