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C.R.P.No.1644 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRP NO. 1644 of 2025

1.VAHEETHA

W/o. Nazeemudeen, 28/542/2, Navana Trissur-680
020, Kerala.

2.Ummusalma

W/o.Abdul Khader, 13/39, South Leith Castle
Santhome
Chennai-600 028

Petitioners

Vs

1.R.Dhamodharan

Proprietor, Hotel Aishwarya Restaurant No. 2,
Venkadasamy Road, East R.S.puram, Coimbatore-
641 002.

2. A.Jayapaul

S/o. Ammavasai Goundar, 12/21, LIC Colony, SIDCO post, Coimbatore-641
021.

3. K.Venkatak Krishnan

S/o. D.Kamalakaran, Sri Venkata Nivas, New No. 35, Old No. 2A-3, Perumal
Nagar, Koundampalayam, Coimbatore-641 030.

4. Mohan Bhैया

No. 2, 2A2B, East Venkatasamy Road, R.S.Puram,
Coimbatore-641 002.

...Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of
India, praying to direct the I Additional District Munsif, Coimbatore, to dispose



C.R.P.No.1644 of 2025

of the E.A.No.8 of 2024 in E.P.No.48 of 2022 in R.C.O.P.No.74 of 2010,
pending on its file, within a time frame.

For Petitioner(s): Mr. S.Vasudevan

For Respondent(s): No appearance

ORDER

This Civil Revision Petition has been filed praying for a direction to the I Additional District Munsif, Coimbatore, to dispose of the E.A.No.8 of 2024 in E.P.No.48 of 2022 in R.C.O.P.No.74 of 2010, pending on its file, within a time frame.

2. The case of the Revision petitioners/Landlords is that they filed R.C.O.P.No.74 of 2010 on the file of Rent Controller-I Additional District Munsif, Coimbatore, as against respondents 2 to 4 and obtained an order of eviction on 25.06.2018. It is the further case of the petitioners that respondents 2 to 4 preferred RCA.No.53 of 2018 before the Appellate Authority, which came to be dismissed on 04.09.2021. The Revision Petitioners filed E.P.No.48 of 2022 and the Executing Court, by order dated 02.12.2023, had ordered delivery by 05.01.2024. It is the case of the petitioner that when things remain so, the 1st respondent/3rd party filed E.A.No.8 of 2024 as an obstrucater to take



C.R.P.No.1644 of 2025

possession and the petition has been kept pending.

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3. Aggrieved by the pendency of the Execution Petition, , the present Civil Revision Petition has been filed.

4. The learned counsel for the revision petitioners would submit that the petitioners having obtained decree in RCOP.74 of 2010 on 25.06.2018 and the E.P., being ordered on 2.12.2023, due to the pendency of E.A.8 of 2024, the petitioners are not able to see the fruits of the decree which requires a warrant of interference from this court.

5. The learned counsel for the petitioners relied upon judgment of the Hon'ble Supreme Court reported in **2025 SCC Online SC 507 [Periyammal (Dead) through Lrs. And others Vs. V.Rajamani and Another]** and the Hon'ble Supreme Court passed slew of directions. The Hon'ble Supreme Court also held that mandatory directions contained in para 42.12 of **Rahul S.Shah Vs. Jinendra Kumar Gandhi, (2021) 6 SCC 418**, is to be strictly followed. Paragraph 74 to 77 of the said judgment is as under:-

“ 74. The mandatory direction contained in Para 42.12 of Rahul S.Shah (supra) requiring the execution



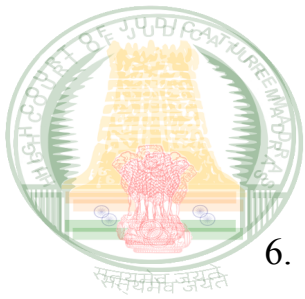
C.R.P.No.1644 of 2025

proceedings to be completed within six months from the date of filing, has been reiterated by this Court in its order in Bhoj Raj Garg Vs. Goyal Education and Welfare Society, Special Leave Petition ©.Nos.19654 of 2022.

75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts, shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.

76. Registry is directed to forward one copy each of this judgment to all the High Courts at the earliest.

77. The Registry shall notify this matter once again after seven months only for the purpose of reporting compliance of the directions issued by us referred to above. “



C.R.P.No.1644 of 2025

6. The Executing Court, is directed to follow the directions as set out in

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2025 SCC Online SC 507 [Periyammal (Dead) through Lrs. And others Vs.

V.Rajamani and Another] and dispose of the E.P.No.48 of 2022 as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

7. This Civil Revision Petition is disposed of on the above directions. No costs.

17-04-2025

nvsri

To

I The learned Additional District Munsif, Coimbatore.

1. R.Dhamodharan

Proprietor, Hotel Aishwarya Restaurant No. 2,
Venkadasamy Road, East R.S.puram, Coimbatore-641 002.

2. A.Jayapaul

S/o. Ammavasai Goundar, 12/21, LIC Colony, SIDCO post, Coimbatore-641 021.

3. K.Venkatakrishnan

S/o. D.Kamalakaran, Sri Venkata Nivas, New No. 35, Old No. 2A-3, Perumal Nagar, Koundampalayam, Coimbatore-641 030.

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A.D.JAGADISH CHANDIRA, J.

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