



WEB COPY

CRP(PD).No.1665 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.1665 of 2025

Sakthivel

... Petitioner

Vs.

1.M.Senkottaian

2.Ramakrishnan

3.Dhivya

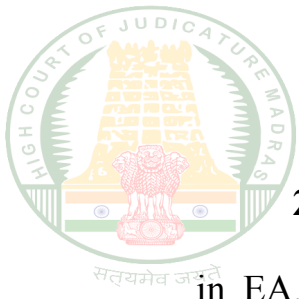
... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Kallakurichi to dispose of the EP.No.96 of 2016 within the time to be stipulated by this Hon'ble Court.

For Petitioner : M/s.K.Rajakumar

ORDER

The above Civil Revision Petition is filed seeking speedy disposal of EP.No.96 of 2016, pending on the file of the Subordinate Judge, Kallakurichi.



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2. A perusal of the B diary extract would indicate that an application in EA.No.115/2018 has been kept pending from the year 2018. It was dismissed for default and thereafter restored and even in the notes of the proceedings dated 21.03.2025 the said application appears to be pending and notice is yet to be taken.

3. On 21.03.2025, the following adjudication has been passed:-

21.03.2025

"EA 115/2018 - Issue Fresh Notice to R3 and 4 by 14.07.2025. By then counter of R2. Batta in 3 days and IA is Pending. Call on 14.07.2025."

4. The learned counsel appearing for the petitioner would submit that EA.No.115/2018 is an application that has been filed seeking to stay the proceedings in execution till the disposal of a suit OS.No.12/2018. In the suit OS.No.12/2018, an application for rejecting the plaint was filed by the 4th defendant and by an order dated 19.10.2020, the application was allowed and the plaint has been rejected. Challenging the same, the plaintiff had filed A.S.No.275/2020 on the file of this Court and by a judgement dated 14.09.2021, the first appeal was also dismissed. Therefore, nothing survives for consideration in the said EA. It is further stated that the fresh



notice which has been directed is with reference to EA.No.115 of 2018.

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5. Heard the learned counsel for the petitioner and perused the records.

6. In the light of the fact that the suit OS.No.12/2018 has been rejected and confirmed in appeal, the learned Subordinate Judge, Kallakurichi has to dismiss EA.No.115/2018 on the aforesaid basis. The Execution Petition has been filed as early as in the year 2016 and the decree holder is yet to enjoy the fruits of his decree. Therefore, a direction is issued to the Subordinate Judge, Kallakurichi to dispose of EP.No.96/2016 on or before 31.07.2025.

7. With the above directions, the Civil Revision Petition stands allowed. No costs.

22.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Judge, Kallakurichi

P.T. ASHA. J.,



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