



C.R.P.(NPD) Nos.5378, 5380, 5381 and 5382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.01.2025

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) Nos.5378, 5380, 5381 and 5382 of 2024

Kesavan

... Petitioner/Petitioner/Decree Holder/Petitioner

-VS-

A.Jayarama Naicker (Died)

1. Mrs.Gowri

2. Mrs.Thenmozhi

... Respondents/Respondents/Judgment Debtors/Respondents

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Poonamallee to dispose the E.A.Nos.505, 506, 507 and 504 of 2021 in E.P.No.65 of 2018 in O.S.No.21 of 1994 pending before the Subordinate Judge, Poonamallee on merits and in accordance with law.

For Petitioner : Mr.T.R.Rajagopalan,
Senior Counsel
For Mr.C.V.Vijayakumar



C.R.P.(NPD) Nos.5378, 5380, 5381 and 5382 of 2024

COMMON ORDER

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These Civil Revision Petitions have been filed for a direction to the Subordinate Judge, Poonamallee to dispose the E.A.Nos.505, 506, 507 and 504 of 2021 in E.P.No.65 of 2018 in O.S.No.21 of 1994 on merits and in accordance with law as expeditiously as possible.

2. Notice to the respondents is dispensed with, as no adverse order is going to be passed against them in these cases.

3. Learned Senior Counsel for the petitioner submitted that the Execution Petition in E.P.No.65 of 2018 was filed as early as in the year 2018 and the legal heirs of the respondent have already been brought on record. He further submitted that though E.A.Nos.505, 506, 507 and 504 of 2021 have been filed in the year 2021, the same are pending for the last three years without any progress, despite the fact that those applications were filed for i) Police Aid to the Ameen to execute the warrant for delivery of the suit schedule property, ii) demolition of the superstructures, iii) deputation of a Taluk Surveyor to assist the Ameen and



C.R.P.(NPD) Nos.5378, 5380, 5381 and 5382 of 2024

iv) providing assistance to the Ameen for disconnections of the electricity service connections of the superstructures in the property. He brought to the notice of this Court that though the suit in O.S.No.21 of 1994 had been decreed in favour of the Decree Holder on 11.04.2000 and the Execution Petition was also filed in the year 2018, still the Decree Holder is unable to enjoy the fruits of the decree and hence, sought for early disposal of these E.A.Nos.505, 506, 507 and 504 of 2021.

4. Considering the fact that limited relief is sought in these petitions, there shall be a direction to the Subordinate Judge, Poonamallee to dispose of the E.A.Nos.505, 506, 507 and 504 of 2021 within a period of one month from the date of receipt of a copy of this order and thereafter, proceed with the main Execution Petition (E.P.No.65 of 2018) and pass orders thereon on merits and in accordance with law within four months from the date of disposal of E.A.Nos.505, 506, 507 and 504 of 2021, bearing in mind the judgment of the Apex Court in the case of **Bhoj Raj Garg vs. Goyal Education and Welfare Society and Others**, reported in **2022 LiveLaw (SC) 976**.



C.R.P.(NPD) Nos.5378, 5380, 5381 and 5382 of 2024

N.SATHISH KUMAR, J.

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5. With the above direction, these Civil Revision Petitions are

disposed of. No costs.

06.01.2025

Index: Yes/No

Internet: Yes/No

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Note: Issue order copy on 07.01.2025

To:

Subordinate Judge,
Poonamallee.

C.R.P.(NPD) Nos.5378, 5380, 5381 and 5382 of 2024