



WEB COPY

CRP No. 1246 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 1246 of 2026

Vijaya,
W/o. Naguraan,
Melatheru, Vizhalkottam,
Athangudi Post,
Needamangalam Taluk
Tiruvarur District.

..Petitioner(s)

Vs

Sathasivam,
S/o. Subramanian,
Melatheru, Vizhalkottam,
Athangudi Post,
Needamangalam Taluk,
Tiruvarur District.

..Respondent(s)

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to dispose of the E.P.No.1 of 2025, pending on the file of the District Munsif-cum-Judicial Magistrate, Needamangalam made in O.S.No.63 of 2014, on the file of District Munsf-cum-Judicial Magistrate, Needamangalam, within a stipulated time.

For Petitioner(s):

Mr.B.Jawahar



ORDER

This Civil Revision Petition is filed for issuance of a direction to the District Munsif-cum-Judicial Magistrate to dispose of the E.P No.1 of 2025 in O.S.No.63 of 2014, within the time frame stipulated by this Court.

2. Since no adverse orders are passed against the respondent, notice to the respondent is dispensed with.

3. When the matter was taken up for hearing on 06.03.2026, this Court directed the learned District Munsif-cum-Judicial Magistrate, to file a status report in E.P.No.1 of 2025. The learned Judge submitted the status report. From the status report, it appears that the suit O.S.No.63 of 2014 was decreed on 30.08.2024 and thereafter the petitioner herein filed E.P.No.1 of 2025, for delivery of possession under Order XXI Rule 35, of Civil Procedure Code. The Court took up the EP on 06.01.2025. The respondent entered appearance through counsel and filed counter on 14.08.2025 and thereafter the matter was taken up on 28.08.2025, for petitioners side enquiry and later adjourned for respondent sides enquiry. Later the judgment debtor/respondent filed E.A.No.10 of 2025 under Order XLI Rule 5(2) of Civil Procedure Code seeking to stay the execution proceedings until the disposal of A.S.No.15 of 2025, preferred by him against the judgment and decree in O.S.No.63 of 2014, which was pending before Sub-Court Mannargudi. Later the EA was taken up on file on 15.10.2025, and the petitioner filed counter on 24.11.2025. Thereafter the EA was posted for enquiry on 23.03.2026.



4. From the status report of the learned Judge, this Court finds that there is no delay in considering the EP, it is only because the respondent filed EA to stay the EP proceedings till disposal of the appeal, that the matter was adjourned. Since the judgment debtor filed the appeal within reasonable time, the Court may have adjourned the matter, to enable the judgement debtor to obtain stay in the appeal proceedings. This Court finds that the Executing Court has been diligently conducting the proceedings; no ground is made out to warrant interference or issuance of directions. This Court leaves it to the discretion of the Executing Court to dispose of the EP as expeditiously as possible.

5. Accordingly, this Civil Revision Petition is disposed of. No costs.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

dsn

To
The District Munsf-cum-Judicial Magistrate,
Needamangalam.



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N.MALA J.

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