
(2011) 08 MAD CK 0190

In the Madras High Court

Case No : C.R.P (PD) (MD) No. 1422 of 2011

Arulmigu Madasamy Thirukoil Deity

APPELLANT

Vs

M. Ramachandran and Others

RESPONDENT

Date of Decision : 02-08-2011

Acts Referred:

Citation : (2011) 08 MAD CK 0190

Hon'ble Judges : C.S. Karnan, J

Bench : Single Bench

Advocate : S. Kadarkarai, for the Appellant;

Judgement

C.S. Karnan, J.—This petition has been filed by the Petitioner/Plaintiff to direct the learned Subordinate Judge, Srivilliputhur to expedite the E.A. No. 36 of 2011 in E.P. No. 118 of 2009 in O.S. No. 611 of 1994 and dispose of the same with the time frame fixed by this Court.

2. The brief facts of the case are as follows:

The revision Petitioner/Plaintiff has filed a suit in O.S. No. 611 of 1994 on the file of the Subordinate Judge, Srivilliputhur against the Defendants to deliver the suit property. The same was decreed. Against the said decree and judgment, the Defendants have filed an appeal suit in A.S. No. 90 of 1999 on the file of Principal District Judge, Virudhunagar. The same was dismissed. Against the dismissal of the 1st appeal, the Defendants have filed a second appeal in S.A. No. 974 of 2000, before this Hon'ble Court. The second appeal also was dismissed and the decree and judgment passed in O.S. No. 611 of 1994 was confirmed. Thereafter, the revision Petitioner has filed E.P. No. 118 of 2009 for executing the decree, for delivery of property.

3. The 1st Respondent herein has filed an execution application in E.A. No. 36 of 2011 against the decree holder to pass an order declaring that the decree passed in O.S. No. 611 of 1994 on the file of this Hon'ble Court as confirmed by the appellate Courts on 03.04.2000 and 31.03.2009 is invalid, in executable and not

binding by allowing this application. The revision Petitioner has filed counter statement and opposed the said application. The said case is being adjourned from time to time. Hence, the revision Petitioner has filed the above revision to dispose the case within the stipulated period.

4. The learned Counsel for the revision Petitioner argued that the original suit was filed in O.S. No. 611 of 1994. The same was decreed after contest. Against the decree and judgment, the 1st and 2nd appeal has been filed and the same have been dismissed. Subsequently, the decree and judgment was confirmed, and the same is an executable one. At this juncture, the 1st Respondent herein has filed the execution application and challenged the well considered decree. The learned Counsel further argued that the suit was filed in the year 1994 and hence the execution proceedings have to be disposed of at the earliest.

5. In view of the facts and circumstances of the case and arguments advanced by the learned Counsel for the revision Petitioner, this Court is of the considered opinion that speedy disposal is absolutely necessary since the suit was filed in the year 1994. Therefore, this Court directs the learned Subordinate Judge, Srivilliputhur to dispose of the E.A. No. 36 of 2011 in E.P. No. 118 of 2009 in O.S. No. 611 of 1994 within a period of three months from the date of receipt of this order, without being influenced by the discussions of this Court. Accordingly ordered. There is no order as to costs.

6. Resultantly, the above revision petition is disposed of with the above observations. There is no order as to costs.