

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No.745 of 2018

ORDER:

In this Civil Revision Petition filed under Article 227 of the Constitution of India, the only grievance of the revision petitioner/plaintiff is with regard to non-disposal of the suit-O.S.no.222 of 2016 at an earliest date though the plaintiff is a senior citizen aged 72 years.

2. I have heard the submissions of *Sri Srinivas Polavarapu*, learned counsel appearing for the revision petitioner/plaintiff; and, of *Sri Syed Ghouse Basha*, learned counsel appearing for the respondents 1 & 2. I have perused the material record.

3. At the hearing, to a query from the Court as to 'whether or not any application has been filed before the trial Court seeking advancement of the hearing of the subject suit', as per Rule 109(2) of Civil Rules of Practice & Circular Orders, 1980, which provides for an application to be made by a party who desires that hearing of a suit may be advanced, learned counsel for the petitioner submitted that he has no instructions from his counterpart on the said aspect. Therefore, the matter was adjourned. Later, learned counsel appearing for the plaintiff placed on record a copy of the interlocutory application in C.F.R.no.8729 of 2016 said to have been filed before the trial Court, on 07.12.2017, seeking advancement of hearing of the suit from 30.03.2018 to a nearer date. He submitted that the trial Court neither registered the application nor returned the same with office objections though the application was filed with an intention to have expeditious disposal of

the suit. On that, this Court called for a report from the Court of the learned Principal Junior Civil Judge, Ongole.

4. The report received from the said Court is placed on record. The same, on a perusal, would bring to the fore, the following aspects:

The plaintiff filed not only the instant suit but also other connected suits, viz., O.S.nos.284 of 2016, 285 of 2016, 286 of 2016, 287 of 2016, 288 of 2016, 289 of 2016 and 290 of 2016, for recovery of possessions of the respective suit schedule properties; that all the suits are coming for framing of issues; that an interlocutory application I.A.no.783 of 2016 in O.S.no.222 of 2016 filed under Order 39, Rules 1 & 2 of the Code is also coming up for enquiry; that the subject suit was earlier adjourned to 30.03.2018; that in the meanwhile, the plaintiff filed an application for advancement of the date of hearing from 30.03.2018 to any nearer date; that the plaintiff also filed similar applications in all the above said suits; that all the said applications were checked and returned, on 11.12.2017, by the office of the trial Court; but, the returned applications are not re-presented by the learned counsel appearing for the plaintiff after duly complying with the objections taken by the office of the trial Court; that, on 30.03.2018, learned counsel appearing for the plaintiff did not bring to the notice of the learned trial Judge about the urgency involved in the suit; that, therefore, the suit was adjourned to 04.04.2018 and from that date to 26.07.2018; that in view of the pendency of Pre-2014 cases, the learned Judge of the trial Court

is concentrating on the disposal of old matters and is trying to dispose of old cases, which are pending since more than five years.’

5. From the above excerpted contents of the report of the learned Judge of the trial Court, it is noticeable that the learned judge is concentrating on the disposal of pre-2014 cases and much older suits than the suits of the plaintiff/petitioner herein as the learned judge is required to do so in view of the circulars and other instructions that are communicated by the High Court to the learned judges of the Trial Courts. It is also to be noted that the applications filed by the plaintiff for advancing the hearing dates of the suits instituted in the years 2016 were returned after scrutiny by the trial Court; however, the plaintiff has not re-presented the said applications including the application in C.F.R.no.8729 of 2016 filed for advancement of the hearing of the subject suit. Had the plaintiff promptly re-presented the said returned applications, the trial Court would have disposed of the said applications one way or the other. Be that as it may. It is for the trial Court, in the facts and circumstances of the case, to take a decision as to whether it is feasible to take up, out of order or in priority, the batch of suits filed by the plaintiff having regard to the volume of the work & the pendency of the old matters on its file besides the circular instructions & other directions that are given to the Subordinate Courts by this Court & the Supreme Court with regard to the disposal of old matters, matters of senior citizens, women, children, under trial-prisoners etcetera. Hence, this Court is of the considered view that no specific direction need be given in the present matter to the trial Court. Nonetheless, this Court is

hopeful that the trial Court will take a considered decision on the applications of the plaintiff for advancement of hearing dates of the above said suits, in the event the plaintiff re-presents the returned applications filed in all the above said suits after duly complying with the objection taken by the office of the trial Court.

6. The Civil Revision Petition is accordingly disposed of with the above observations.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

13.07.2018

Note:- Issue CC today
(B/o)
RAR

M. SEETHARAMA MURTI, J

