

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 2541 of 2019

Samu ... Petitioner

-Vs-

Kavitha ... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India directing the Subordinate Court, Arni to speedily dispose of the H.M.O.P. No. 1 of 2017 within a stipulated period of time.

For Petitioner : Mr. V. Sakkarapani

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed seeking indulgence of this Court under Article 227 of the Constitution of India to give a direction to the Court below, i.e., Subordinate Court, Arni, to adjudicate and decide the H.M.O.P. No. 1 of 2017, on the file of the said Court expeditiously preferably within a time frame stipulated by this Court.

2. Notice though had been served on the respondent and the name of the respondent also has been printed with address in the cause list, several time even though it was listed before this Court for hearing, no one is appearing for the respondent and today also the same position continues.

3. Mr. V. Sakkarapani, learned counsel appearing for the petitioner would submit that, the HMOP was posted for respondent counter on 13.02.2017 and thereafter, it has been adjourned with the following dates i.e., 05.04.2017, 21.04.2017, 07.07.2017, 08.09.2017, 01.11.2017, 08.02.2018, 07.04.2018, 21.08.2018, 12.11.2018, 11.02.2019 and 10.06.2019 only for the purpose for filing counter. Despite several hearings as stated above were given to file counter, the respondent has not chosen to file counter till date. Therefore, the learned counsel would also submit that, suitable direction can be given to the Court below to expedite the matter.

4. I find force in the said contention made by the learned counsel for the petitioner, as the records show that from 13.02.2017 till 10.06.2019, several opportunities had been given to the respondent to file counter, however, the respondent has not filed any counter till date. This kind of long leeway cannot be given to any litigant and moreover, without any plausible reason, several times matter seems to have been adjourned for filing counter by the respondent and nothing has been recorded by the learned Judge, as to whether any plausible reason was given on behalf of the respondent to give further time to file counter.

5. This kind of mechanical adjournments is not conducive for judicial proceedings, as it would be detrimental to speedy justice.

6. In that view of the matter, this Court is inclined to dispose of the Civil Revision Petition with the following directions:

" That the Court below i.e., Subordinate Court, Arni, is hereby directed to expedite the hearing of H.M.O.P. No. 1 of 2017 by giving only thirty days time to the respondent to file counter and within the said time, if the respondent

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fail to file counter, the Court below shall proceed to decide the HMOP on merits thereafter, within a period of three months."

7. With these directions, this Civil Revision Petition is ordered accordingly. No costs.

15.10.2019

Index: Yes / No
Speaking order / Non speaking order

vji / kmm

To

The Subordinate Court,
Arni.

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