

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Civil Revision Petition (PD) No.3129 of 2019

M.Shanthi

... Petitioner

-Vs-

1.M.Rajeswari

2.M.Vijaya Kumar

3.The Sub Registrar
Office at Sembium
Perambur, Chennai-11.

4.The Sub Registrar
Office at Madhavaram
Madhavaram Town and Taluk
Thiruvallur District.

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to direct the District Court, Tiruvallur to expedite the hearing and dispose of the suit in O.S.No.140 of 2019 within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.T.Sai Krishnan

ORDER

This Civil Revision Petition has been filed with a prayer to seek a direction to the Court below viz., Principal District Judge, Thiruvallur to expedite the hearing of the suit in O.S.No.140 of 2019 within a time frame to be fixed by this Honourable Court.

2. This revision has been filed invoking the superintending power of this Court under Article 227 of the Constitution of India.

3. I have heard the learned counsel for the petitioner and have perused the materials placed on record.

4. The suit in O.S.No.49 of 2019 itself, filed for bare injunction, which was laid only on 08.04.2019 before the trial Court, where, even written statement had not been filed and at this stage, this prayer has been sought for, by filing the present Civil Revision Petition by invoking Article 227 of the Constitution of India.

5. Learned counsel for the petitioner submits that, though the interim application seeking interim injunction under Order 39 Rule 1 of C.P.C., has been filed, the same has not been decided so far, and only that triggered the plaintiff / petitioner to approach this Court to seek for such a direction to dispose of the main suit itself at an earliest date.

6. This Court is afraid of this kind of prayer, as the suit itself is, admittedly dated 08.04.2019 and within a span of 4 to 5 months, in between, there could have been summer vacation for one month for the Civil Court, the petitioner has approached this Court seeking the indulgence of this Court, that too by invoking the superintending powers of this Court under Article 227 of the Constitution of India,

to give a direction to the Court below to dispose of the suit itself within a time frame.

7. This kind of petition invoking the superintending powers of this Court under Article 227 of the Constitution of India, cannot be encouraged and it should be curtailed. No prudent man would think that the suit filed in April 2019 could be expedited to be decided by September / October 2019, as there could have been number of earlier suits filed before the said Court, pending trial. Without devoting the concentration and time to dispose of those old suits, we cannot expect the trial Court to give priority to the recently filed suit within a few months.

8. In that view of the matter, this Civil Revision Petition cannot be entertained and therefore, it deserves to be dismissed. Though this Court wanted to dismiss this petition with costs, since the learned counsel for the petitioner made a request, it is dismissed without costs.

20-09-2019

Internet : yes / no
KST

To

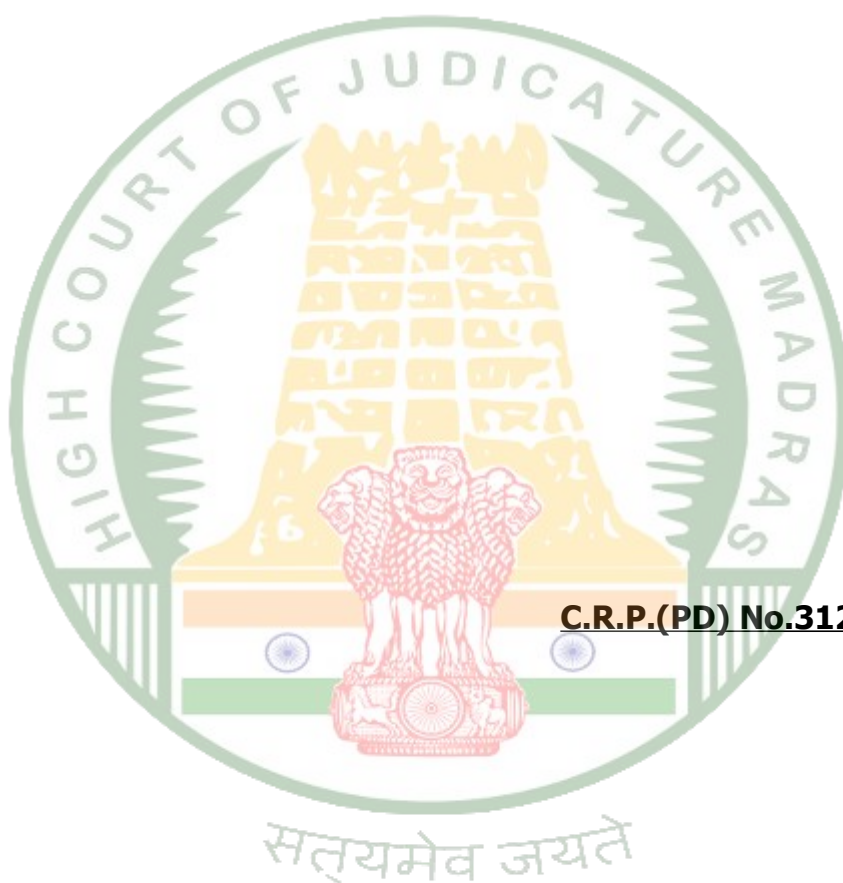
The Principal District Judge, Tiruvallur.

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C.R.P.(PD) No.3129 of 2019

R. SURESH KUMAR, J.

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