

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. (PD) No.340 of 2021

1.N.K.Gopi
2.Mrs.G.Ranjitha
3.N.G.Rajendaran
4.N.G.Ravindran

...Petitioners

Vs

1.K.Kumarandoss
2.Mrs.K.Gajalakshmi
3.K.Murugandoss
4.Mrs.K.Rajalakshmi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned I Assistant Judge, City Civil Court, Chennai to expedite the trial in O.S.No.5981 of 2018 within a period of three months.

For Petitioners : Mr.S.Diwakar

ORDER

The limited prayer sought for in the present petition is to dispose of the suit in O.S.No.5981 of 2018 within a period of three months.

2. The respondents 1 and 2 herein have filed the Suit in O.S.No.5981 of 2018, before the learned I Assistant Judge, City Civil Court, Chennai, seeking to grant permanent injunction restraining the defendants 1 to 4 and their men or agent or any persons claiming rights under the defendants 1 to 4 from in any way putting up any construction in the "B" Schedule premises bearing Old No.12, New No.29, Agraharam Street, Chintadripet, Chennai 600 002, thereby interfering with the plaintiffs' peaceful enjoyment of the rights of the plaintiff's suit 'A' schedule mentioned house and to direct the defendants to pay the costs of suit to the plaintiffs.

3. The learned counsel for petitioners would submit that the respondents 1 and 2 have filed the present suit with an intention of causing harassment and mental and physical agony to the aged first and second petitioners. The respondents 1 and 2 are repeatedly attempting to delay the proceedings by filing various false, frivolous and vexatious applications to prolong the dispute through misrepresentation, suppression and falsification of records. Respondents 1 and 2 do not have any chance of success in the present suit considering the facts

contained in the Commissioner's report dated 09.08.2019 filed in the above suit. Further, the respondents, understanding that the report filed by the Advocate Commissioner is against them, have attempted to purge the same by filing objections that are contrary to facts. Further, the respondents 1 and 2, understanding the frivolous nature of their claim in the suit, have sought to amend the plaint, which brings in new cause of action and completely alters the very nature of the suit. The said application for amendment being I.A.No.2 of 2019 is illegal, frivolous and baseless and ought to be dismissed with costs and the respondents seek to nullify the report filed by the Advocate Commissioner by seeking a second interim injunction application that claims the 2 feet set back left by the revision petitioners on the western side of their property which belongs to the respondents. But, from time to time, the revision petitioners have diligently been filing their replies to all the applications filed by the respondents, while the respondents attempt to prolong the proceedings by seeking adjournment on one pretext or the other.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the adjudication orders, it is seen that originally the suit was filed in the year of 2018 and the petitioner himself has submitted that various applications have been filed by the respondents and the same is pending by the act of the respondents and dragging the same by filing applications one after another. Now, the petitioner has come forward with this present revision petition for the earlier disposal of the Suit in O.S.No.5981 of 2018. Each and every cases have its own procedures and the Court below is also having thousands of cases pending on its file. The entire nation has been facing the difficult situation of lock down for the past one year. Hence, this Court cannot put pressure on the trial Court to dispose the suit in O.S.No.5981 of 2018 within a period of three months. This Court is not inclined to interfere with the procedures of the Court below at this stage.

6. In view of the present stage of the suit in O.S.No.5981 of 2018 and also taking into account that the suit was originally initiated in the year 2018, this Court can only direct the learned I Assistant Judge, City Civil Court, Chennai to dispose of the suit, as expeditiously as possible.

7. Accordingly, the Civil Revision Petition stands dismissed. No costs.

23.02.2021

Index:Yes/No
Speaking order/Non-Speaking Order
sbn

To

The learned I Assistant Judge,
City Civil Court,
Chennai.



WEB COPY

V.BHAVANI SUBBAROYAN, J.

sbn



C.R.P. (PD) No.340 of 2021

WEB COPY

23.02.2021