

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD) No.202 of 2021

C.Subramaniam Petitioner

Vs.

1. Mrs. B. Porkodi,

2. Mr. B. Shyamkumar,

3. Mr. B. Lalithkumar Respondents

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Hon'ble Additional District Judge, Chengalpattu, to quick disposal of the suit in O.S. No.115 of 2016 pending before the Hon'ble Additional District Judge, Chengalpattu at the earliest within six months on merits.

For Petitioner ... Mr.T.K. Dharmarajan

For Respondents ... No Appearance

ORDER

The Civil Revision Petition has been filed praying to direct the Hon'ble Additional District Judge, Chengalpattu, to quick disposal of the suit in O.S. No.115 of 2016 pending before it.

2. The case of the petitioner is that the plaintiff/petitioner herein has filed O.S. No.115 of 2016 on the file of the Additional District Judge, Chengalpattu, for recovery the amount of Rs.42,84,986/- including interest with principal amount from the defendants/respondents herein who had borrowed the principal amount of Rs.25,00,000/- along with interest at 2% per Rs.100/- from the petitioner herein, on the basis of the mortgage Deed which is registered under document No.1808 of 2013 dated 27.03.2013 on the file of SRO, Tambaram, in favour of the petitioner herein. The suit is pending more than 4 years before the Court below without any progress. Hence, this Civil Revision petition.

3. The learned counsel for the petitioner submitted that the suit was filed in March 2016 and the defendants/respondents herein had filed

their written statement on 22.12.2016. Thereafter, issues have been framed by the Trial Court accordingly. However, even the case was listed on 04.02.2019 for Trial in the suit, it has not been commenced so far due to the periodical adjournment. Since the principal amount along with interest from the date of mortgage 27.03.2013 involved is huge, the delay in commencement of trial will suffer the petitioner herein in getting the money from the respondents herein. In such circumstance, the Trial Court may be directed to expedite the trial and dispose the case within the time frame fixed by this Court.

4. On perusal of the record it is seen that the case was initially listed on 29.09.2016 for filing of Written Statement by the respondents herein. Thereafter, the case had been adjourned till 10.02.2017 for the same reasons. Subsequently, the case was posted for evidence on 13.03.2017 and the same had been adjourned till 21.07.2017 for the same reasons. Further, the case was posted on 30.10.2017 for framing of issues and it had been adjourned till 02.04.2018. Such as, the case has further been adjourned for evidence and trial till 29.01.2021. It is seen that the case has been adjourned on 04.02.2019 for the purpose of trial.

But from that day onwards till 29.01.2021, the case has been adjourned for the purpose of trial only without any reasonable cause. The case has been adjourned nearly for 2 years for commencement of trial. But, the trial has not commenced so far and the case has been adjourned periodically for the purpose of trial only.

5. Having taken into consideration the aforesaid track of the case and the case is pending for more than 4 years, the Court below is directed to commence the trial as early as possible without any further adjournment for Trial and dispose the case within a period of 9 months. ie. on or before 30.11.2021. Both parties are directed to co-operate with the Court proceedings without taking unnecessary adjournments.

6. In the result, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

12.02.2021

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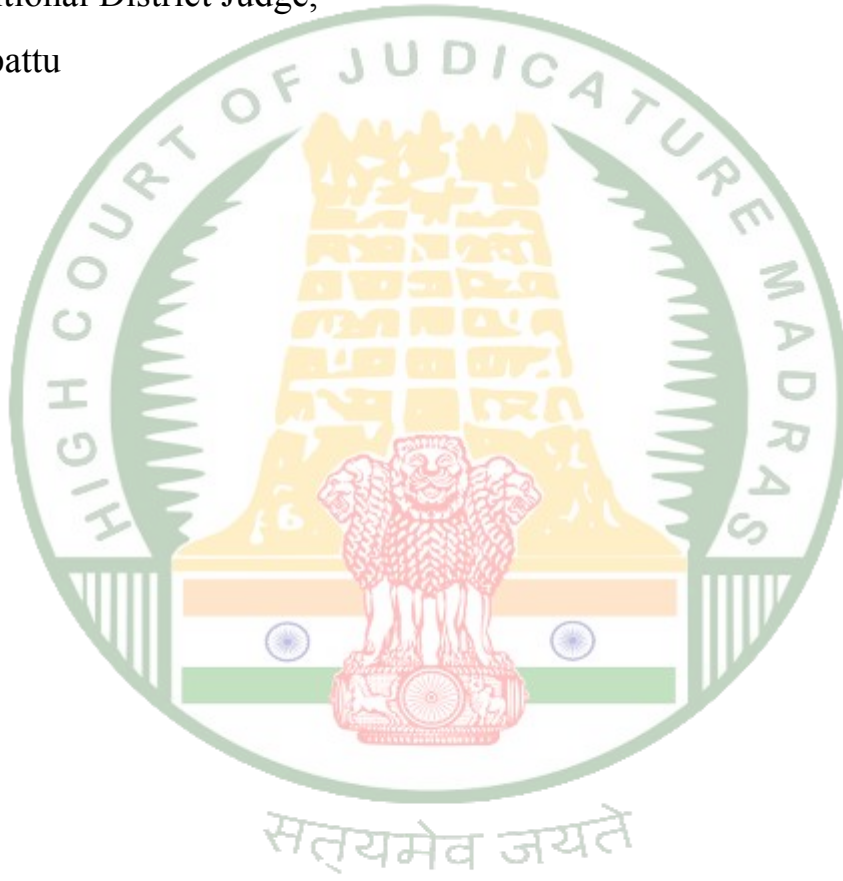
Index: Yes/No.

Speaking/Non-Speaking order

Internet: Yes/No.

To:

The Additional District Judge,
Chengalpattu

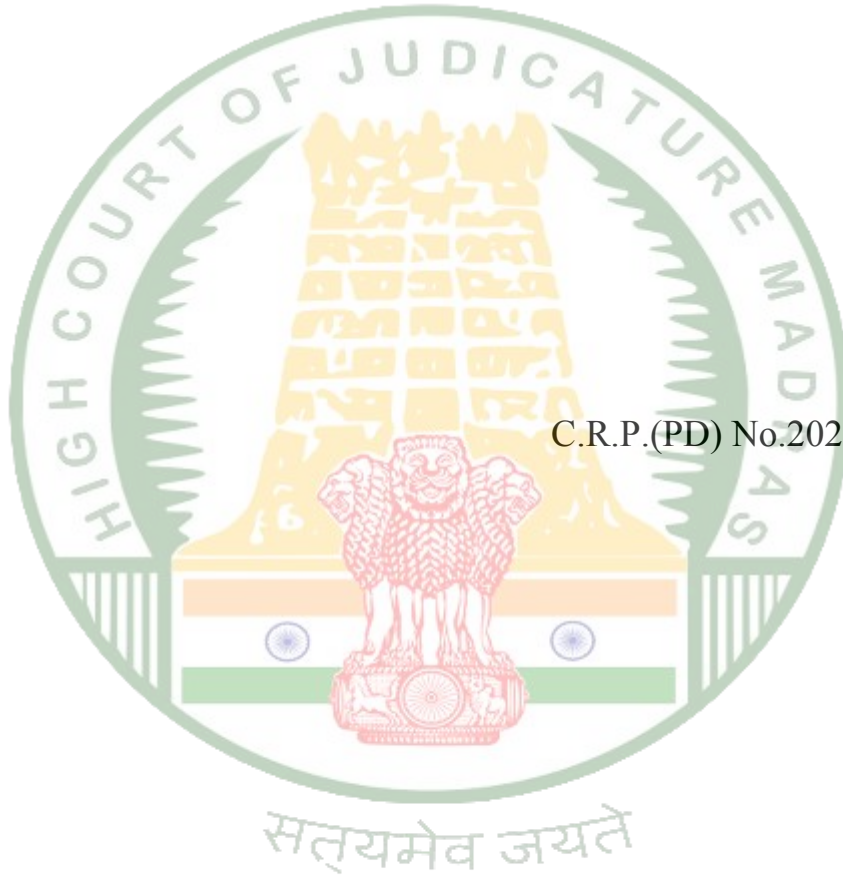


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V.BHAVANI SUBBAROYAN, J.,

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