

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD). No.1726 of 2021

Premakumari

...Petitioner

Vs.

Rajeshkanna

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India seeking direction to the learned Presiding Officer of Sub Court, Madurantakam, Chengalpet District to accept the copy application filed on 21.01.2021 in G.No.56 of 2021 in O.S.No.82 of 2017 and to furnish the documents mentioned in the copy application.

For Petitioner : Mr. Y. George William

ORDER

This Civil Revision Petition is filed, seeking direction to the learned Presiding Officer of Sub Court, Madurantakam, Chengalpet District to accept the copy application filed on 21.01.2021 in G.No.56 of 2021 in O.S.No.82 of

2017 and to furnish the documents mentioned in the copy application.

2.The learned Counsel for the Petitioner submitted that the suit O.S.NO.82 of 2017 is pending for cross examination of PW1 from 11.01.2019 and the suit was filed for the relief of delivery of possession against the respondent. Though the petitioner was always ready, the respondent is not co-operating with the trial and the case is unnecessarily getting adjourned. Therefore, he filed the copy application to get the order passed by the Learned Presiding Officer, with regard to the day to day proceedings. This copy application was returned stating that “*As per rule 128 (4) of Civil Rules of Practice, copy of the Notes paper cannot be granted*”.

3.The learned Counsel for petitioner further submitted that there is no prohibition under Rule 128 (4) of CRP for granting day to day adjudication recorded by the Learned Presiding Officer. What is prohibited under Rule 128 (4) of CRP is that “*Copies of the Judges Minutes or correspondence not strictly judicial or generally of any confidential proceedings will not be granted*”. The adjudication of the day to day proceedings is entered in the register and it is publicly kept for the view of the litigant public, Advocate

clerks and Advocates. It is public document and therefore it is not covered under Rule 128 (4) of CRP.

4.The above mentioned submission made by the learned counsel for the petitioner is absolutely correct. The day to day adjudication of the Learned Judge is entered in a diary and kept for viewing by the litigant public, Advocate clerks and Advocates. Therefore, there is nothing secret or confidential involved in it. Moreover, day to day adjudication proceedings are of judicial in nature. However, the return of copy application stating the reason that the Rule 128 (4) of CRP prohibits granting copy of notes paper is contrary to Rule 128 (4) of CRP. In this view of the matter the return made in copy application on 21.01.2021 is set aside. The Learned Presiding Officer, Sub Court, Madurantakam, Chengalpet is directed to furnish the copy of the Notes paper (adjudication sheet) as prayed in the copy application filed on 21.01.2021.

5.It is seen from the submission made by the learned counsel for the petitioner that the suit is pending from 2017 and cross examination of PW1 is pending from 11.01.2019. This case comes under the category of old cases, which are pending for more than five years. Courts are expected to

give priority in disposal of old cases. Therefore, the Learned Presiding Officer, Sub Court, Madurantakam, Chengalpet is directed to dispose of the suit in O.S.No.82 of 2017 as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order.

6.Accordingly, this Civil Revision Petition stands disposed of. No costs.

26.08.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No
ep/jer

Note: Registry is directed to return the application for certified copies to the learned counsel for the petitioner.

To

1. The Presiding Officer, Sub Court,
Madurantakam, Chengalpet District.

G.CHANDRASEKHARAN.J.,

ep/jer



C.R.P.(PD) No.1726 of 2021

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