



WEB COPY

C.R.P. (PD) No.2377 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2377 of 2022

1.Soundarraaj

2.Selvaraj

...

Petitioners /
Defendants 2 & 3

versus

Kalimuthu (Died)

1.Kaliammal

2.Vasanthamani

3.Muthulakshmi

4.Kumaravel

...

Respondents /
LRs of Plaintiff

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to issue necessary direction to the learned III Additional Subordinate Judge, Coimbatore to dispose of I.A.No.2 of 2021 in I.A.No.1 of 2021 in I.A.No.103 of 2015 in O.S.No.134 of 2014, within a reasonable time as may be fixed by this Court.

For Petitioners : Mr.A.E.Ravi Chandran



WEB COPY



ORDER

This Civil Revision Petition has been filed seeking for a direction to the learned III Additional Subordinate Judge, Coimbatore for speedy disposal of the Interlocutory Application in I.A.No.2 of 2021 in I.A.No.1 of 2021 in I.A.No.103 of 2015 in O.S.No.134 of 2014.

2. The revision petitioners are the petitioners / defendants 2 and 3 in I.A.No.2 of 2021. The said petition has been filed to restore I.A.No.1 of 2021.

3. The learned counsel for the revision petitioners submitted that despite the enquiry was made, submissions were heard and the matter stands posted 'for orders' as early as on 27.10.2021, the orders have not yet been pronounced and hence a direction should be given for speedy disposal.

4. On perusal of the adjudication details furnished by the learned counsel for the petitioners, it is seen that on 27.10.2021 the learned trial Judge has received the written arguments of the respondent on 28.09.2021 itself. Though the Court has recorded the said fact in its order



WEB COPY

dated 27.10.2021 it proceeded to give an opportunity to the respondent to make his oral arguments also on or before 10.11.2021 and with the said condition the orders have been reserved on 16.11.2021. On 16.11.2021, the Judge was on leave and the matter was reposted to 02.12.2021 and without any reason the matter was *suo motu* reopened for enquiry and then posted to 05.01.2022 and it is being reposted to several hearings.

5. It is a simple petition filed to restore I.A.No.1 of 2021 which has been already dismissed for default. Since there are no complicated questions of law involved, the learned trial Judge could have passed the order on 16.11.2021 itself. Even if there might be some inconvenience for not pronouncing the order on 16.11.2021, the order ought to have been pronounced atleast on the next hearing. All of a sudden the enquiry was once again reopened *suo motu* and the matter again stands posted for enquiry.

6. The attitude of the learned trial Judge would only show that he is not inclined to pass any orders but keep the petition pending. Such a conduct of the learned trial Judge cannot be viewed lightly. After all the Courts are there to serve the interest of justice. Without any reasons the



matter which has already reserved for orders should not have been reopened and reversed to the previous stage and then adjourned frequently.

7. In view of the above stated reasons, this Civil Revision Petition is allowed and the learned III Additional Subordinate Judge, Coimbatore, is directed to dispose the Interlocutory Application in I.A.No.2 of 2021 in I.A.No.1 of 2021 in I.A.No.103 of 2015 in O.S.No.134 of 2014 within a period of two weeks from the date of receipt of a copy of this order. No costs.

29.07.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

Note : Issue Order Copy on 01.08.2022

sri

To

The III Additional Subordinate Judge, Coimbatore.



WEB COPY

C.R.P. (PD) No.2377 of 2022



R.N.MANJULA, J.

sri

C.R.P. (PD) No.2377 of 2022

29.07.2022