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C.R.P. (PD) No.2402 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2402 of 2022

K.S.Karthikeyan

...

Petitioner /
Plaintiff

versus

K.S.Haridoss

...

Respondent /
Defendant

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the early disposal of the proceedings in O.S.No.138 of 2018 before the Sub Court, Cheyyar.

For Petitioner : Mr.R.Prathap Kumar

ORDER

This Civil Revision Petition has been filed seeking for a direction to the learned Sub Judge, Cheyyar for speedy disposal of the suit in O.S.No.138 of 2018.



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2. The revision petitioner is the plaintiff, who has filed the suit as against the respondent / defendant for the reliefs of declaration and permanent injunction.

3. The learned counsel for the revision petitioner submitted that despite the suit was filed in the year 2018 and the written statement of the defendant was also filed as early as on 01.10.2018, the case is still pending without any progress; since the hardship is caused to the parties due to the long pendency of the suit, a direction should be given for speedy disposal.

4. On perusal of the adjudication details furnished by the learned counsel for the petitioner, it is seen that the written statement of the defendant was filed as early as on 01.10.2018 and the matter stood posted for issues for nearly 25 hearings from 29.10.2018 to 09.03.2020 and once again the matter was adjourned for framing of issues from 09.07.2020. Until now the issues have not been framed. The learned trial Judge has given the pandemic as the reason for not progressing the case for a few hearings. But framing of issues can very well be done by the learned trial Judge himself. The learned trial Judge has not taken efforts to dispose the case fastly.



Without any purpose the case was being adjourned atleast for nearly 35 hearings for the same stage of framing of issues.

5. It is needless to state that such kind of repeated adjournments can not be encouraged. The parties should not be allowed to loiter in the Court campus for years together just to see their case is adjourned each time. This will definitely corrode the faith in the judicial system. Hence, it is appropriate to strictly impress the learned trial Judge to avoid such repeated adjournments to take efforts to dispose the case as expeditiously as possible.

6. Hence, this Civil Revision Petition is disposed of and the learned Sub Judge, Cheyyar, is directed to dispose of the suit in O.S.No.138 of 2018 within a period of three months from the date of receipt of a copy of this order. No costs.

01.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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R.N.MANJULA, J.

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To

The Sub Court, Cheyyar.

C.R.P. (PD) No.2402 of 2022

01.08.2022

4/4