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C.R.P.No. 4114 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No. 4114 of 2022

Mr. G. Kannan

...Petitioner

Vs

Mrs. Kaviya Sri

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Additional District Court, Mettur Salem District to expedite the proceedings of the suit in G.O.P. No. 122 of 2022 pending on the file of the learned Additional District Court at Mettur, Salem District and conclude the same.

For Petitioner

: Mr. M. Ananadan

ORDER

The civil revision petition is filed to expedite the proceedings instituted by the revision petitioner in G.O.P.No. 122 of 2022, filed on 05.07.2022 on the file the Additional District Court at Mettur, Salem District.



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2. The marriage between the petitioner and the respondent was solemnized on 06.04.2015. From and out of the wedlock, a male child was born on 01.09.2016 and now aged about seven years. The child is now with the custody of the respondent mother, who is residing along with her parents at Mettur.

3. On account of the misunderstanding, the petitioner and the respondent are living separately. The petitioner is working in IT Sector. Under these circumstances, the petitioner filed G.O.P.No. 122 of 2022 seeking custody of the child on 05.07.2022 on the file of the Additional District Court at Mettur, Salem.

4. Learned counsel for the petitioner states that the G.O.P. is pending for the past about 5 ½ months and therefore, it is to be disposed of.

5. Such revision petitions filed in a hurried manner before the High Court cannot be entertained. Several litigations are on board, more specifically, in subordinate courts. Courts have to regulate the work based on the nature of cases, urgency involved and other aspects of the matter. It is not as if the High Court can issue direction to dispose of the matters in an expeditious manner in all the cases. Self



restraint on the High Court is necessary in such circumstances. If at all such directions are issued by the High Court in a routine manner, the subordinate courts may not be in a position to constructively dispose of the matter by following the procedures as contemplated under law. It is not only the disposal, quality disposal is also of paramount importance. Hurried disposal at no circumstances should result in miscarriage of justice. Thus, the High Court is expected to exercise restraint in issuing directions to the subordinate courts to dispose of the matter in a time bound manner. Only on exceptional circumstances, wherever there is an abuse of process by any of the parties, or unnecessary adjournments are taken on flimsy grounds or the courts have prolonged the matter without any valid reason then alone the High Court shall issue direction to dispose of the matter by fixing a time limit and not otherwise.

6. In the present case, the petitioner is the father of the child and the minor child is with the custody of the respondent mother for the past about seven years. The interest of the child and his wishes are also to be ascertained by the subordinate courts. If the child wishes to reside with the mother, then the court need not discuss the same by unnecessarily considering the cases. The wishes of the child is of paramount importance as any change of circumstances would result in psychological issues.



7. The revision petitioner filed G.O.P., only in the month June, 2022 and he filed the present revision petition within a period of six months for early disposal. Therefore, this Court is of the opinion that it cannot be possible for the subordinate courts to dispose of all the cases in such a speedy manner and in the event of issuing any such direction to expedite the matters, it will not be possible for the subordinate courts. The difficulty, number of matters pending and procedures to be followed, as contemplated, are to be taken into consideration by the High Court, while issuing direction to expedite the cases. The subordinate courts are already over burden and working in stressful circumstances. Thus High Court issuing a direction to dispose of in a time limit would also cause further pressure on the subordinate courts and they will not be in a position to regulate their own work in an independent and fair manner. However, the district judiciary has to form a work discipline by avoiding unnecessary adjournments and long adjournments in matters and dispose of the matters in an efficient manner so as to ensure that the cases are disposed of within a reasonable period of time. Unnecessary prolongation or longevity of litigations are to be averted and any party attempting to do so must be dealt with accordingly and exemplary or maximum costs is to be awarded in such circumstances by the district judiciary.



8. In the present civil revision petition, the petitioner has not established any justifiable reason for the purpose of issuing a direction to expedite the matter and the minor child as of now is comfortable with the respondent mother and therefore there is not urgency in dealing with the matter. Accordingly, the civil revision petition stands dismissed. No costs.

12.12.2022

Index : Yes / No
Speaking order / Non-Speaking order
mrn

To
The Additional District Court,
Mettur Salem District



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S.M.SUBRAMANIAM, J.

mrn

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