



C.R.P.(P.D).No.4058 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.(P.D) No. 4058 of 2022

S. Gangadharan

...Appellant/Plaintiff

Vs.

1. M. Sivakumar

2. The Sub Registrar of Assurances

26, MES Road, Ganapathypuram,
East Tambaram, Opp. C.S.I. School,
Chennai - 600 059.

... Respondents/Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Trial Court/learned Principal Sub Judge Chengalpattu, to dispose of O.S.No.65 of 2020 pending on its file within the time fixed by the Hon`ble Court.

For Petitioner : Mr.Roopeshwari

ORDER

The Civil Revision Petition is filed to expedite the trial in O.S.No.65 of 2020, pending on the file of the Principal Sub Judge Chengalpattu.



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2.The plaintiff is the revision petitioner, who instituted a suit for declaration of title and for permanent injunction. The grievance of the petitioner is that he is unable to enjoy the suit property due to the intervention of the defendants in the suit. He has already withdrawn all the interlocutory applications paving way for the Trial Court to expedite the trial for the purpose of disposing of the suit itself, inspite of that, the suit is prolonged unnecessarily without any valid reason and thus, the revision petitioner is constrained to move the present petition for expediting the trial.

3.The longevity of the litigation is occurring at the instance of the litigants on many occasions. The contribution of the lawyers also cannot be ignored. Ill advice of the lawyers is also a reason for prolonging the litigation in the Civil Courts. People are slowly losing faith in the system on account of such ill motives which all are knowingly or unknowingly happening in Courts. Until and unless the parties and the lawyers together cooperate for the earlier disposal of the litigation, it may not be possible for the Courts to dispose of the same by following the procedures. Lengthy procedures are sometimes contributing to the longevity of the litigations or the filing of unnecessary



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interlocutory applications with an idea to prolong the case, is also a reason for longevity. One set of the legal brains are working to expedite the trial and the other set of legal brains are working for prolonging the matter. In between this tussle, the litigants are made to suffer and thus, this Court is of an opinion that the Courts have to be vigilant while dealing with frivolous and unnecessary interlocutory applications or petitions, if any filed by the litigants, during the pendency of the main case. If at all the Courts found that the interlocutory applications are filed with an idea to prolong the matter, then it should be dismissed with maximum cost and by discouraging the litigant to indulge in such activities and the Courts can proceed forward for the disposal of the main case within a reasonable period of time. The intention of the parties, the relevance or otherwise are to be considered while dealing with such frivolous petitions, if any filed, to prolong the matters. No party should be made to suffer unnecessarily, at the instance of the other party. Equal opportunity being the hallmark, the Court should ensure that no party to the litigation is deprived of the right to speedy disposal of the case.

4. In the present case, the learned counsel for the revision petitioner contended that the respondent is unnecessarily prolonging the matter. The



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plaintiff is aged about 77 years and further delay would cause prejudice to his interest, as he is deprived of his right to property.

5.This Court is of the considered opinion that the Judicial Officers cannot be unnecessarily pressurized by the higher courts. No doubt, in some cases, the higher courts do direct the Trial Courts to expedite the cases, however, it cannot be a routine affair so as to cause unnecessary pressure in the minds of the Judicial Officers, who all are already working in difficult situations. If at all several such directions are issued by the higher courts for the speedy disposal of suits or cases, it may not be practically possible for the Trial Courts to dispose of all such cases. Thus, the pendency involved, and the capacity of the Courts to dispose of the cases are to be taken into consideration by the higher courts while issuing a direction to dispose of the cases in a speedy manner. Complex situations are also to be considered in a practical and pragmatic way, so as to ensure that the Judicial Officers perform their duties in a free and peaceful manner.

6.This being the principles to be followed, the Trial Court in the present case has to take effort to dispose of the cases as expeditiously as



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possible and it is to be borne in mind that all cases are to be treated equally and no litigant can claim unnecessary preference unless there is a justification for the speedy disposal.

7. Accordingly the Civil Revision Petition stands **disposed of**.

However, there shall be no order as to costs.

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07.12.2022

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

To

1. Trial Court/learned Principal Sub Judge,
Chengalpattu



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S.M.SUBRAMANIAM.J.,

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