



Order dated : 05.12.2022
Civil Revision Petition (PD) No. 4025 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P. (PD) No. 4025 of 2022

Jayalakshmi

... Petitioner

Vs.

1. Mariappan
2. Murugesan
3. Arumugam
4. Alamelu

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the District Munsif Court of Anthiyur to dispose of the O.S. No. 58/2020, pending on its file within time frame as may be fixed by the Court.

For Petitioner : Mr. A.K.Samy
For Mr. A.Kumar

ORDER

This civil revision petition has been filed for speedy disposal of O.S. No. 58 of 2020 pending on the file of the District Munsif Court, Anthiyur within time frame as may be fixed by the Court.



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2. Mr. A.K.Samy, Learned Counsel for the petitioner, articulated his case and placed the facts in a convincing manner.

3. The grievances of the revision petitioner are that the suit instituted in the year 2020 has not been disposed of and the defendants have not filed their written statement and prolonging the matter.

4. Prolongation and protraction of litigations at no circumstances be encouraged by the trial courts. However, reasonable opportunity as contemplated is to be provided to all the parties, enabling them to establish their case. Unnecessary adjournments on flimsy grounds are to be averted. Adjournments are to be granted by recording reasons, which must be genuine. Ideas of the litigants to prolong the cases cannot be allowed by the trial court and therefore, the cases are to be proceeded with in a systematic manner by following the procedure and by affording reasonable opportunity to all the parties to the litigation. The assessment of the mindset of the litigants, while asking adjournments are to be observed by the trial courts and if the idea is to prolong the litigation, then such adjournments are to be rejected.



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5. In the present case, the revision petitioner states that the defendants are not filing written statement with an idea to prolong the litigation. In this regard, the trial court has to make an assessment and accordingly, proceed with the case by following the procedures as contemplated. However, direction for speedy disposal at this juncture is not preferable and it is for the petitioner to persuade the trial court for speedy disposal.

6. With these observations, this civil revision petition stands disposed. No costs.

05.12.2022

Index : Yes

Speaking order

Maya

To

The Judge
The District Munsif Court
Anthiyur.



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S.M.SUBRAMANIAM., J

Maya

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