



C.R.P.No.4209 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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

C.R.P.No.4209 of 2022

E.T.B.Sivapriyan

... Petitioner

Vs.

Nagapriya

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to grant appropriate direction for speedy disposal of I.A.No.2 of 2021 in GWOP No.75 of 2019, pending on the file of the Principal Director Judge, Chengalput.

For Petitioner : Mr.K.Thulasi



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ORDER

The Civil Revision Petition has been filed under Article 227 of the Constitution of India for speedy disposal of I.A.No. 2 of 2021, in G.W.O.P.No.75 of 2019.

2. The marriage between the petitioner and the respondent was solemnised on 28.05.2012 and a male child was born from and out of the wedlock and now he is living with the respondent/mother.

3. The respondent/wife filed a petition for divorce on the ground of cruelty in H.M.O.P. No.500 of 2021, which is now pending on the file of the Sub-Court Alandur. The petitioner filed G.W.O.P. No.75 of 2019, and along with the OP, the petitioner filed I.A. No.2 of 2021, seeking visitation rites. The grievance of the petitioner is that said interlocutory application is yet to be disposed of and several adjournments are granted.

4. This Court is of the considered opinion that in the matter of custody of the minor children, the Court has to conduct an inquiry and



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consider various factors including the interest of the minor children. Now the custody of the minor boy is with the mother who is a natural guardian and therefore, this Court cannot issue any direction to dispose of the Interlocutory Application in a routine manner.

5. Unnecessary adjournments on flimsy grounds would cause prejudice to the parties to the litigation. Rule is to conduct the case on the date it is posted for hearing. Adjournment is an exception. Thus adjournments are to be granted only on genuine grounds and even in such circumstances, on commencement of trial long adjournments are to be avoided. The reason is to be recorded by the Courts, if it is genuine.

6. Long pendency of litigations causing untold mental agony to the litigants are to be considered by the Courts concerned, while granting adjournments in a routine manner. Any party seeking adjournment on flimsy grounds or attempting to prolong and protract the case, then heavy cost is to be awarded, which is to be paid to the other party, who is ready to conduct the case. If such adjournments are frequently sought for, then exemplary or



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maximum costs are to be awarded by the Court concerned. The endeavour of the Court is to ensure that the cases are disposed of as expeditiously as possible by avoiding unnecessary adjournments.

7. The High Court cannot issue directions to the District Judiciary for speedy disposal of cases in a routine manner. Frequent directions if issued, the same cannot be a practical solution. The thrust on the District Judiciary due to overburdening of litigation on Board is to be taken into consideration by the High Court. The routine directions for speedy disposal, if it is issued, it would further cause unnecessary pressure on the District Judiciary. In many such cases, wherein directions are issued, the District Judiciary has come out with administrative letter, seeking extension of time again and again and thus, the purpose for which such directions were issued by the High Court become defeated.

8. The longevity of the litigations are occurring at the instance of the parties on many occasions. The legal brains are adopting tactical approach to prolong and protract the cases for unjust gains and for Forum



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Shopping. Any party having an idea to achieve their goal in an indirect or illegal manner, then they are adopting all such tactics for the purpose of prolonging the case, which cannot be tolerated by the Courts. On some occasion, if any litigants feel that a particular Judicial Officer in the District Judiciary is inconvenient to them, they are seeking adjournments after adjournments or filing frivolous interlocutory applications through which they all are causing longevity to the litigation. Ill-motives of such litigants if allowed to succeed, then the same will result in miscarriage of justice and thus the Courts are expected to be cautious, while granting unnecessary adjournments on flimsy grounds. All such attempts should be thwarted by the Courts and the Court cannot aid such ill-motive of the parties. The frivolous and unnecessary interlocutory applications are to be dealt with in accordance with law and if the Court formed an opinion that such interlocutory applications are filed with an idea to prolong and protract the issues or filed with ill-motives, then the Court would not hesitate in awarding exemplary or maximum cost on such applications. The cases are to be disposed of in consistent manner to avoid unnecessary allegations and to redress the grievances of the parties approaching the Court of Law.



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9. In the present case, as per the statement furnished by the High Court, 1,904 cases are pending before the Principal Family Court at Coimbatore and 1,685 cases are pending before the Additional Family Court at Coimbatore. Totally, 3,589 cases are pending before the Family Courts. The Courts concerned have to form a method for speedy disposal of the cases. The High Court cannot simply direct the District Judiciary to dispose of a particular case.

10. In the event of issuing direction in Civil Revision Petitions for speedy disposal without considering the number of cases pending in a particular Court on Board, it will result in discrimination against many other litigants, who all are waiting for disposal of their respective cases. There are allegations against the Courts that the cases are selectively picked up and disposed of. The plight of the poor and downtrodden are also to be taken into consideration, while disposing of the cases. The Court cannot provide any room for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism or otherwise even in the matter of hearing of cases will have larger repercussions on the system. No doubt



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certain cases are to be disposed of urgently if there is a public interest involved or the litigants are able to establish genuine urgency for early disposal of the cases. Such cases alone are to be given priority.

11. The practice of giving preference to any litigation without any justification at all circumstances to be avoided. Every litigant approaching the Court of Law is waiting for justice and thus, it must be done in a consistent manner and without discriminating the litigants. Therefore issuing directions indiscriminately for speedy disposal of cases by the District Judiciary would do no service to the cause of justice. The Court concerned is expected to regulate its own procedures in respect of the cases on Board for effective disposal and to ensure that the cases are disposed of within a reasonable period of time. However, the High Court cannot issue such directions for speedy disposal unless there is a justification or acceptable reason for issuing any such directions. Every urgency cannot be considered for issuing a direction for speedy disposal, the urgency, which is imminent to be considered.



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12. In matrimonial cases many number of persons are waiting for relief. Giving priority to one matrimonial case would cause prejudice to the other cases, which all are also to be disposed of within a reasonable period of time.

13. In the present case, the petitioner has not established any urgency or public interest or otherwise and therefore, this Court is not inclined to consider the relief as such sought for in the present Civil Revision Petition.

14. Accordingly, the Civil Revision Petition stands **dismissed**.
However, there shall be no order as to costs.

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Index:Yes
Internet:Yes
Speaking Order

To

1. Principal Director Judge, Chengalput.

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S.M.SUBRAMANIAM.J.,

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