



C.R.P.No.226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.226 of 2023

A.K.Ramalingam

... Petitioner

Vs

Kulanthaivel Mudaliar (Died)

1.Rajasekaran

Sivasankaran (Died)

2.K.Natarajan

3.K.Bhaskaran

4.Ravichandran

5.Mohan

6.Gomathi

7.Kalaivanan

8.Kuppusamy

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9.R.Natarajan

10.Kaliyamoorthy

11.V.Jayakumar

12.S.VijayaKumar

13.S.Rajasekaran

14.Kannammal

15.Kamsala

16.Banumathi

17.Bhoolagam

Sivaraman (Died)

Kuppammal (Died)

Thangam Ammal (Died)

18.Sundararajan

19.Soundararajan

20.Chandrasekaran

21.Sankar

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22.S.Rajalakshmi

23.S.Parthiban

...

Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to issue suitable directions to the Court of Sub-ordinate Judge, Chidambaram, dispose the O.S.No.28 of 2011 within a stipulated time of 4 weeks and render justice.

For Petitioner : Mr.A.Muthukumar

ORDER

The relief sought in the present civil revision petition is to direct the Sub-ordinate Court Chidambaram to dispose of the O.S.No.28 of 2011. The learned counsel for the petitioner states that the suit was instituted by the revision petitioner for partition in the year 2004 and it is pending for the past about 19 years and now pending on the file of the Sub-ordinate Court at Chidambaram in O.S.No.28 of 2011.



2. It is contended that nearly about 100 Interlocutory Applications are filed by the parties in order to drag on the proceedings and the Civil Revision Petitions filed before the High Court is also kept pending for few years. Thus, the suit proceedings are prolonged and protracted at the instance of few parties and thus, the present civil revision petition for speedy disposal is filed.

3. No doubt, prolongation of the suit at the instance of the parties at no circumstances be encouraged by the Courts. In the event of filing Interlocutory Applications without substance or filing frivolous petitions, exemplary or maximum cost is to be imposed on the party practicing such activities and the Court concerned is empowered to regulate its own proceedings on board.

4. High Court issuing frequent directions to the lower Courts may not be workable at all circumstances since the disposal of the case involves hearing of cases, providing opportunity to all the parties and conducting



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trial, all these to be done by following appropriate procedures. High Court is expected to consider the work pressure on the District Judiciary and the atmosphere pressure put on them from the Bar members who all are appearing for the parties, and also the ill motives of the litigants to prolong and protract the proceedings by one way or the other to achieve their goals directly or indirectly. All such mitigating factors play pivotal role in disposal of a matter in the Courts and in the event of issuing a routine direction by the High Courts for speedy disposal to the lower Courts, would only result in receiving administrative letters from the Judges concerned, seeking extension of time for the disposal of the cases as per the directions issued by the High Court fixing time limit.

5. Unworkable orders by the Courts have to be avoided. All the orders passed on merits must be implemented by all concerned, and in the event of passing such via media orders, the faith in the judiciary system would be shaken and the Courts are expected not to pass such orders which are otherwise not workable.



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6. For example, if the High Court, without considering the nature of issues involved, number of witnesses to be examined, the work pressure currently prevailing in the Court concerned, availability of the judges in the particular court etc., issues a direction to dispose of the suit within six months or within a stipulated period, it would become a non-workable order. Then, if the orders of the High Court is not implemented, question arises whether it is enforceable or not and against whom the contempt proceedings are to be initiated is yet another question to be considered. The petitioner who got such a direction may not file a contempt proceedings. Even in cases where such contempt petitions are filed, who should be held responsible is the further question to be asked? Whether the litigants who attempted to prolong the matter or the learned counsel who made an attempt to get adjournments on flimsy grounds or the judge concerned, who has not actively proceeded with the matter to be blamed? All such complex questions cannot be answered easily and finally the Court finds that such orders, if at all passed, would not do any service to the cause of justice.



Contrarily, it would create further issues between the parties and therefore, this Court is of the opinion that a direction to dispose of the suit within a fixed time limit cannot be issued unless there are compelling circumstances on the High Court in exceptional cases where the Court itself is of an opinion that such fixation of the time limit is imminent and warranted in the interest of justice.

7. The Courts are expected not to grant adjournments on flimsy grounds. Long adjournments for all the cases are to be avoided as far as possible. Parties seeking adjournments in a routine manner cannot be considered and adjournments are to be granted only on genuine grounds and by recording their reasons. In the event of seeking adjournments on flimsy grounds, maximum cost is to be imposed. If at all, Interlocutory Applications are filed without any substance or any other frivolous applications are filed, those applications are to be disposed of without causing any undue delay and by imposing exemplary costs. The Courts are expected to be cautious while granting adjournments and entertaining



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Interlocutory Applications filed with an ill motive to drag on the proceedings.

8. The learned counsel for the petitioner drew the attention of this Court with reference to the order passed in CRP.PD Nos.112 and 113 of 2016. In the said order, the High Court made an observation that the Interlocutory Applications had been filed when the suit was in part-heard stage which is after 9 years from the filing of the suit, which clearly shows that the petitioner therein had adopted dilatory tactics to drag on the proceedings. However, this Court has to consider that the said CRP filed in the year 2016 was disposed of in the year 2022. When the Civil Revision Petition filed against an Interlocutory Application on a particular issue itself is kept pending for about six years before the High Court, then this Court is of the humble view that merely directing the District Judiciary to dispose the suit in such circumstances, within a stipulated period, would undoubtedly cause pressure on such Courts which is not desirable.



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9. However, this Court is of the opinion that the Court concerned is expected to dispose of the old cases by giving priority. Priority shall be given to the senior citizen cases, where there is an imminent urgency and old pending cases.

10. The learned counsel for the petitioner states that the present suit is the oldest case pending on the file of the Sub-Court Chidambaram and therefore, it is a fit case for giving priority.

11. Thus, the disposal of the cases have to be made in a consistent manner by not allowing the parties to drag on the proceedings and any attempt of dragging on the proceedings made by the parties in this regard have to be thwarted. The Court shall not give unnecessary adjournments and frivolous Interlocutory Applications have to be dismissed by imposing maximum costs. The Courts have to ensure that the suits are disposed off within a reasonable period of time. Since the present suit is pending for the



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past about 19 years, the Sub-Court Chidambaram is directed to look into the matter and dispose of the case as expeditiously as possible.

12. Accordingly, the Civil Revision Petition stands **disposed of**.

However, there shall be no order as to costs.

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Speaking Order

Internet : Yes

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Sub-ordinate Judge, Chidambaram,



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S.M.SUBRAMANIAM, J.

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