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C.R.P.No.237 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.237 of 2023

S.Baby

... Petitioner

Vs.

S.Sakkubai Ammal

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Learned Principal Subordinate Judge, Villupuram, to dispose of the suit in O.S.No.146 of 2015 within the stipulated period.

For Petitioner

: Mr.N.Suresh

ORDER

The Civil Revision Petition has been filed to direct the Learned Principal Subordinate Judge, Villupuram, to dispose of the suit in O.S.No.146 of 2015 within the stipulated period.



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2. The grievance of the the revision petitioner is that the Suit instituted by him for specific performance is pending for the past about 7 years and longevity of the Suit increased on account of unnecessary adjournments granted by the Court on flimsy grounds.

3. The learned counsel for the revision petitioner lamented by stating that despite his efforts he is unable to dispose of the Suit and it is periodically adjourned at every stage at the instance of the respondent. Thus, the petitioner is forced to move the High Court seeking a direction for speedy disposal.

4. High Court is not expected to issue any such direction for speedy disposal of cases in a routine manner. Several such cases are pending before the District Judiciary. All such cases are also to be disposed of consistently and in uniform manner without causing any discrimination amongst the litigants. Several litigants are longing to get justice from various Courts and therefore, merely issuing a direction in one case High Court cannot discriminate the litigants and it is for the Court concerned to regulate its own proceedings in respect of the disposal of the cases on its board.



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5. No doubt priority is to be given in respect of the senior citizen cases and for the cases, where there is an imminent urgency, which must be established by the parties concerned. In respect of all other cases, the Court concerned has to dispose of the same consistently by avoiding unnecessary adjournments on flimsy grounds. Adjournments are exceptions. Rule is to conduct the cases, whenever it is posted for hearing. No party can be allowed to take adjournment in a casual manner. Adjournments on genuine grounds are to be granted only by recording reason. Then alone the Court can form an opinion, whether, the adjournments are obtained sensibly or insensibly.

6. Filing the Interlocutory Applications repeatedly with an ill-motive to prolong and protract the proceedings are to be thwarted. Such applications are to be disposed of as expeditiously as possible and if it is found frivolous, then maximum cost is to be imposed. There cannot be any leniency in dealing with frivolous applications by the Courts. Parties cannot be allowed to achieve their ill-motives by abusing the process of Court or by taking undue advantage of the procedures contemplated under the Code of Civil Procedure or under the Statutes or Rules concerned.



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7. In this regard, leniency by the Courts, undoubtedly, would cause prejudice to any one of the parties to the litigation and that is to be construed as an injustice to the parties. Therefore, adjournment on flimsy grounds would cause injustice to the parties. Thus, the Court concerned, while granting adjournments are expected to borne in mind that such adjournments are to be granted by recording reasons and on genuine grounds but not otherwise.

8. Long adjournments are to be avoided. In the present case, the petitioner pleads that the Suit is pending for the past about 7 years. Mere length of time alone is not the criteria. The number of cases pending on board in a particular Court is to be taken into consideration by the High Court. That exactly is the reason why this Court has repeatedly held that the Court concerned is the best person to regulate its own proceedings on board and ensure that the cases are disposed of in a consistent manner so as to avoid unnecessary filing of such civil revision petition before the High Court seeking speedy disposal of the cases.



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9. High Court cannot issue directions to the District Judiciary for speedy disposal of cases in a routine manner. Frequent directions if issued, would not provide a practical solution. Overburdening with litigations 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 letters, seeking extension of time again and again and thus, the purpose for which such directions were issued by the High Court became defeated.

10. The longevity of the litigations are occurring at the instance of the parties on many occasions and also at the instance of the Courts. The legal brains are adopting tactical approach to prolong and protract the cases for unjust gains and for Forum Shopping. Any party having an idea to achieve their goal in an indirect or illegal manner, cannot be tolerated by the Courts. On some occasion, if litigants feel that a particular Judge in the District Judiciary is inconvenient to them, they are seeking adjournments after adjournments or filing frivolous interlocutory applications, which 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.

11. 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 shall not pave way for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism, nepotism or otherwise even in the matter of hearing of cases selectively will have larger repercussions on the system. No doubt 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.



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12. 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 would do no service to the cause of justice. Every urgency cannot be considered for issuing a direction for speedy disposal, and the urgency, which is imminent alone to be considered.

13. High Court cannot issue such directions for speedy disposal unless there is a justification or acceptable reason for issuing any such directions. 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.



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14. With these observations, the Civil Revision Petition in

C.R.P.No.237 of 2023 stands disposed of. However, there shall be no order

as to costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Judge,
Principal Subordinate Court
Villupuram.



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S.M.SUBRAMANIAM, J.

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