



C.R.P.No.110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.110 of 2023

Dhanalakshmi

.. Petitioner

vs

1. Rathinavel

2. Krishna Gounder

3. Muthulakshmi @ Muthayee

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to direct the learned Mahila Court at Namakkal to expedite and dispose of the appeal in A.S.No.45 of 2018 within the time frame and allow the C.R.P.

For Petitioner : Ms.D.Jeevitha

ORDER

The civil revision petition has been filed to direct the Mahila Court at Namakkal to expedite and dispose of the appeal in A.S.No.45 of 2018 within the time frame and allow the civil revision petition.

2. The learned counsel for the petitioner made a submission that a



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suit was instituted by the revision petitioner in O.S.No.105 of 2010 for partition. The suit decreed in favour of the plaintiff. The defendant filed A.S.No.45 of 2018, which is now pending on the file of the Mahila Court at Namakal. The learned counsel for the petitioner made a submission that the petitioner is a senior citizen and the appeal suit is pending for the past four years and it is posted for arguments and having adjourned periodically without any progress.

3. Since an appeal suit has already been posted for arguments, the Court is expected to dispose of the suit without any undue delay or by granting unnecessary adjournments on flimsy reasons. Adjournments are to be granted only on genuine grounds and it could not be granted in a routine manner. Adjournment is an exception and proceeding with the case is the Rule. Whenever an adjournment is sought for by either of the parties, then reasons must be recorded for the grant of adjournments. Contrarily, adjournments are granted in a mechanical manner, which can never be appreciated and therefore, the Courts have to be cautious, while granting



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adjournments whenever such requests are made on behalf of the parties.

WEB COURT

This Court has passed a judgment on adjournments in C.R.P (PD) No.3429 of 2018 dated 08.11.2018, where, the ill consequences were elaborately considered based on the judgments of the Hon'ble Supreme Court and with reference to the Civil Procedure Code.

4. There is a current trend in the Courts that the parties are seeking adjournments to achieve their goal in an indirect manner. Even for the purpose of bench hunting, such adjournments are sought for. On some occasions, in order to harass other parties, adjournments are sought for. At the outset, various trickery methods are adopted by the parties to get adjournments in order to evade the proceedings or to prolong the litigation. Such ideas or intention of the parties, at no circumstances, be encouraged by the Courts. The Courts are bound to assess the genuinity of the reasons pleaded for seeking adjournments and only if it is found genuine, then such reasons must be recorded and then alone adjournments are to be granted.



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5. Few legal brains and ill-natured litigants are attempting to adopt such delay tactics by finding out certain loopholes in the Judicial System. The Courts could not encourage such adjournments. Substantial justice to genuine litigants are denied on account of grant of such frequent and unnecessary adjournments on the insistence of either of the parties to the case.

6. In that view of the matter, this civil revision petition is disposed of. There will be no order as to costs.

19.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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S.M.SUBRAMANIAM, J.
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