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CRP.No. 2862 & 2863 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN**

CRP.Nos. 2862 & 2863 of 2023

P. Harak Chand Bhandari

..Petitioner  
[in both CRPs]

Versus

Praful H. Bhandari

... Respondent  
[in both CRPs]

**CRP.No. 2862 of 2023:** Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned Principal Subordinate Judge, Chengalpattu to conduct the trial on day to day basis to dispose the pending suit within a stipulated time in O.S.No. 153 of 2022 [O.S.No. 33 of 2017] on the file of the Principal Subordinate Judge, Chengalpattu.

**CRP.No. 2863 of 2023:** Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned Principal Subordinate Judge, Chengalpattu to conduct the trial on day to day basis to dispose the pending suit within a stipulated time in O.S.No. 75 of 2017 on the file of the Principal Subordinate Judge, Chengalpattu.



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**In both CRPs:-**

For Petitioner : Mr. R. Kumaravel

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**COMMON ORDER**

These Civil Revision Petitions have been filed by the petitioner seeking a direction to expedite trial in O.S.No. 153 of 2022 (O.S.No. 33 of 2017) and O.S.No. 75 of 2017 pending on the file of the Principal Subordinate Judge, Chengalpattu.

2. The case of the petitioner is that the petitioner has filed the suit in O.S.No. 33 of 2017 before the District Munsif Cum Judicial Magistrate, Thirukazhikundram, for declaration, permanent injunction and mandatory injunction. Subsequently, the same was transferred to the Principal Subordinate Judge, Chengalpattu on the ground of pecuniary jurisdiction and the same was renumbered as O.S.No. 153 of 2022. On the other hand, the respondent has filed the suit in O.S.No. 75 of 2017 before the Principal Subordinate Judge, Chengalpattu for permanent injunction and other reliefs. The defendant contested the suit by filing written statement denying all the averments made in the plaint. Memo was filed by the respondent counsel in O.S.No. 153 of 2022 and the same is pending



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without any progress.

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3. The learned counsel for the petitioner submitted that the suit in O.S.No. 33 of 2017 was filed to declare the settlement deed dated 24.03.2004 registered as Doc.No.731 of 2004 on the file of Sub Registrar Office, Tirukazhikundram, executed by the petitioner in favour of the respondent as null and void. The respondent taking advantage of transfer of suit, sought long date for adjournment without any valid reasons. He further submitted that written statement was filed on 28.02.2018 by the defendant and subsequently, issues were framed and proof affidavit was filed in the suit long back. Despite the process of trial was concluded in the year 2018, cross examination was not commenced. Hence, the respondent wantonly dragged on the proceedings by taking advantage of the transfer of suit and other aspects. However, the revision petitioner is a senior citizen aged about 81 years. The suit almost 6 years have gone without getting into the trial. At the same time, the respondent has also filed the suit for permanent injunction in O.S.No. 75 of 2018. Therefore, the learned counsel for the petitioner seeking a direction for speedy trial in the above two suits.



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4. Considering the facts and circumstances of the case as well as the submission made by the learned counsel for the petitioner, the Trial Court is directed to expedite the trial in O.S.No. 153 of 2022 (O.S.No. 33 of 2017) as well as the suit in O.S.No. 75 of 2017 pending on the file of the Subordinate Judge, Chengalpattu, and pass appropriate orders in accordance with law as expeditiously as possible.

5. The Civil Revision Petitions are disposed of with the above direction. No costs.

**18.08.2023**

Index:Yes/No  
Speaking/Non Speaking  
MSM

To

1. The Subordinate Court, Chengalpattu.
2. The Section Officer, V.R. Section,  
High Court of Madras.



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**V. BHAVANI SUBBAROYAN, J**

MSM

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