



CRP.No. 2667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

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M. Rajathi

... Petitioner

Versus

R. Rajendran

.. Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, prays to direct the District Munsif Cum Judicial Magistrate Court at Madathukulam to dispose suit in O.S.No. 74 of 2022 within a stipulated time as framed by this Court.

For Petitioner : Mrs.T.A.Preetha

ORDER

This Civil Revision Petition has been filed seeking a direction to the District Munsif Cum Judicial Magistrate Court at Madathukulam to dispose suit in O.S.No. 74 of 2022 within a stipulated time as may be framed by this Court.



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2. Heard the learned counsel for the petitioner and perused the records.

3. On a perusal of the records, it reveals that the petitioner/plaintiff has filed the suit in O.S.No. 74 of 2022 before the District Munsif Court, Madathukulam, for permanent injunction against the respondent/defendant. It is also seen that summons were served on the defendant on 20.01.2023. During the pendency of the suit proceedings, I.A.No. 257 of 2022 was filed by the petitioner/plaintiff and the same was posted for filing counter and the suit was posted for filing written statement on various dates i.e., 23.02.2023, 05.04.2023, 21.06.2023 and 26.07.2023 and finally, the suit was posted for filing written statement on 20.08.2023. Even after giving sufficient opportunities by the Court below, the defendant has not filed written statement in the suit. While that being the case, the petitioner has filed the present Civil Revision Petition seeking a direction to the District Munsif Cum Judicial Magistrate Court at Madathukulam to dispose of the suit in O.S.No. 74 of 2022 within a stipulated time as may be fixed by this Court.



4. It is further seen that the Court below was adjourning the matter manifestly, erroneously, illegally, incompetently which warrants interference by this Court. The petitioner who was aged about 55 years and the suit is pending, will deprive the petitioners, the fruits of the decree and the written statement ought to have been filed within 90 days, but the Court is adjourning the matter, by this time, additional grounds are being raised, but the respondent/defendant is getting adjournment without any reason. However, the petitioner/plaintiff requested time for speedy disposal of the suit.

5. It is further seen that the suit was filed on 12.12.2022. In the suit, summons were served on the respondent/defendant on 20.01.2023 and on 23.02.2023, 05.04.2023, 21.06.2023 and 26.07.2023, suit has been adjourned to for filing written statement. The petitioner sought for permanent injunction against the defendants from interfering with the plaintiff's possession and enjoyment of the property by the plaintiff. This Court is bound to know that even before the trial, the Counsel started filing this Civil Revision Petition for speedy disposal of the present suit at the fag end of the year 2022, if this practice continues it is deliberately going to disturb the administration of the trial Court and its discretion. The petitioner, aggrieved by the fact that the defendants failed to file written statement, requested the Court to set aside the



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ex-parte order for non filing of written statement and seek appropriate orders from the trial Court. The Civil Revision Petition is filed to interfere with the discretionary and supervisory power and this Court is of the view that the Advocates are trying to come to this Court without even exhausting the remedy before the trial Court and the petitioner can only approach the trial Court and there is no interference for each and every order being passed for the adjournment being given by the trial Court. Even if there is huge delay in rendering justice, the same can be taken up and decided, but the suit was filed on 12.12.2022 and the petitioner seeks for intervention, which is not acceptable and as the counsel on record seems to be only with new experience, this Court is merely inclined to advise to the learned Counsel not to do such things and not to venture into these kinds of access of litigation before this Court.

6. Taking into consideration the above facts and circumstances, and the submissions made by the learned counsel for the petitioner, the Civil Revision Petition is dismissed. No costs.

03.08.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

MSM



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To

WEB COPY

1. The District Munsif Cum Judicial Magistrate Court.
Madathukulam.
2. The Section Officer, V.R. Section,
High Court, Madras.



WEB COPY



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V.BHAVANI SUBBAROYAN, J.
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