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C.R.P.No.4316 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4316 of 2022

Rupa Jaikishin Gangwani
D/o.Late Jaikishin Gangwani
No.6B, Neelam Buildings,
61 B, Park Street,
Kolkatta – 700 016.

Rep.by her Power of Attorney Agent
Gobind Jaikishin Gangwani
No.26, H Grant Lane,
Kolkatta – 700 037.

... Petitioner

Vs.

1.D.V.S.Subbarao
2.Brahasita Ramanathan

1 & 2 are residing at
Old No.218, New No.56,
First Floor, Govindappa Naicken Street,
Chennai – 600 001.

3.Hothand Gurbni
4.Murli Gurbani

Rep.by their Power of Attorney Agent,
Govind J Gangwani
No.19, Mahendra Road,
Calcutta – 700 025.

... Respondents



Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the Principal District Judge, Chengalpattu to dispose of O.S.No.351 of 2022 on merits within a reasonable time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.K.S.Karthik Raja

ORDER

The Civil Revision Petition has been filed for a direction to direct the Principal District Judge, Chengalpattu to dispose of O.S.No.351 of 2022 on merits within a reasonable time frame as fixed by this Hon'ble Court.

2. The revision petitioner states that the respondents 1 and 2/ plaintiffs filed a Suit against the revision petitioner/5th defendant and respondents 3 and 4/defendants 1 and 2 in O.S.No.501 of 2009 before the District Munsif, Alandur for permanent injunction. Later, at the instance of the revision petitioner, the suit in O.S.No.501 of 2009 was transferred to the Principal District Court, Chengalpattu and re-numbered as O.S.No.351 of 2022.



3. The learned counsel for the revision petitioner mainly contended that the revision petitioner is a Senior Citizen and aged about 76 years and therefore, speedy disposal is just and necessary. It is specifically contended that the Suit is pending for about 13 years.

4. Unnecessary adjournments on flimsy grounds would cause prejudice to the parties to the litigation. Rule is to conduct the case on the date it is posted for hearing. Adjournment is an exception. Thus, adjournments are to be granted only on genuine grounds and even in such circumstances, on commencement of trial long adjournments are to be avoided. The reason is to be recorded by the Courts, if it is genuine.

5. Long pendency of litigations causing untold mental agony to the litigants are to be considered by the Courts concerned, while granting adjournments in a routine manner. Any party seeking adjournment on flimsy grounds or attempting to prolong and protract the case, then heavy cost is to be awarded, which is to be paid to the other party, who is ready to conduct the case. If such adjournments are frequently sought for, then exemplary or maximum costs are to be awarded by the Court concerned. The endeavour of the Court is to ensure that the cases are disposed of as expeditiously as



possible by avoiding unnecessary adjournments.

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6. The High Court cannot issue directions to the District Judiciary for speedy disposal of cases in a routine manner. Frequent directions if issued, the same cannot be a practical solution. The trust on the District Judiciary due to overburdening of litigation 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 letter, seeking extension of time again and again and thus, the purpose for which such directions were issued by the High Court became defeated.

7. The longevity of the litigations are occurring at the instance of the parties on many occasions. 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, then they are adopting all such tactics for the purpose of prolonging the case, which cannot be tolerated by the Courts. On some occasion, if any litigants feel that a particular Judicial Officer in the District Judiciary is



inconvenient to them, they are seeking adjournments after adjournments or filing frivolous interlocutory applications through which they 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. The frivolous and unnecessary interlocutory applications are to be dealt with in accordance with law and if the Court formed an opinion that such interlocutory applications are filed with an idea to prolong and protract the issues or filed with ill-motives, then the Court would not hesitate in awarding exemplary or maximum cost on such applications. The cases are to be disposed of in consistent manner to avoid unnecessary allegations and to redress the grievances of the parties approaching the Court of Law.

8. 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 cannot provide any room for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism or otherwise even in the matter of hearing of cases 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.

9. 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 by the District Judiciary would do no service to the cause of justice. 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. However, the High Court cannot issue such directions for speedy disposal unless there is a justification or acceptable reason for issuing any such directions. Every urgency cannot be considered



for issuing a direction for speedy disposal, the urgency, which is imminent to be considered.

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10. In the present case, the petitioner has not established any urgency or public interest or otherwise and therefore, this Court is not inclined to consider the relief as such sought for in the present Civil Revision Petition.

11. Accordingly, the Civil Revision Petition stands dismissed.
However, there shall be no order as to costs.

02.01.2023

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Index : Yes
Speaking order: Yes
Neutral Citation: Yes

To

The Principal District Judge,
Chengalpattu.



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S.M.SUBRAMANIAM, J.

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