



C.R.P.No.3389 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3389 of 2022

and

C.M.P.No.18026 of 2022

Elumalai

...

Petitioner

Vs

Sugumaran

...

Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decretal Order dated 29.07.2022 made in I.A.No.138 of 2020 in O.S.No.351 of 2016 on the file of the II Additional Subordinate Court, Villupuram by allowing this Civil Revision Petition.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.M.Navaneethan Krishnan



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ORDER

The present revision petition is filed against the Fair and Decretal Order dated 29.07.2022 passed in I.A.No.138 of 2020 in O.S.No.351 of the 2016. The revision petitioner is the defendant and the respondent instituted a suit for recovery of money.

2. The trial concluded in the suit and the suit was posted for arguments of the defendants. A suit for recovery of money was instituted by the respondent in the year 2016. While so, the revision petitioner/defendant without availing the opportunity, during the relevant point of time made an attempt to drag on the proceedings by filing Interlocutory Application in I.A.No.138 of 2020 under Order 16 Rule 1 and 2 of CPC, to examine the defendant side witness.

3.The Trial Court adjudicated the grounds raised in the Interlocutory Application and made a finding that the suit was posted for arguments of the



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defendants and the suit is of the year 2016. For defendant side evidence, adjournments were granted in the following days: 16.03.2019, 25.03.2019, 25.03.2019, 24.04.2019, 03.06.2019, 17.06.2019, 24.06.2019, 01.07.2019, 05.07.2019, 12.07.2019, 17.07.2019, 24.07.2019, 29.07.2019 & 01.08.2019.

4. Thereafter, the defendant was examined on 05.08.2019 and further, following adjournments were granted for further evidence on the side of the defendant. Those adjournments are 07.07.2020, 03.08.2020, 03.09.2020, 07.10.2020, 12.10.2020, 29.10.2020.

5. The Court made an observation that sufficient opportunities were granted to the revision petitioner/defendant for completion of the examination of witnesses. However, the defendant had not examined the witnesses and despite several adjournments, the defendant had not completed his side of examination and thereafter, the arguments of the plaintiff were heard and posted for defendant side arguments. The Trial



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Court in this regard drew an inference that the revision petitioner/defendant secured several adjournments with a motive to drag on the proceedings and consequently the Interlocutory Application was dismissed.

6. Adjournment is an exception. Courts cannot grant adjournments in a routine manner. Adjournment on genuine grounds are to be granted by recording reasons. Interlocutory Applications filed, if found to be frivolous, then maximum cost is to be imposed. Long adjournments are to be avoided. Courts are expected to dispose of the matter consistently and by thwarting the ill motives of the parties to prolong and protract the proceedings. In the event of any such attempt, no lenient view is to be taken and in the present case, several adjournments were granted to the revision petitioner/defendant to examine the witness. The defendant was examined on 05.08.2019 after several adjournments and even on subsequent days, opportunities were granted to the revision petitioner/defendant.

7. These being the factum, this Court does not find any infirmity in



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respect of the order passed by the Trial Court rejecting the Interlocutory Application filed by the petitioner. Accordingly, the Fair and Decretal Order dated 29.07.2022 passed in I.A.No.138 of 2020, in O.S No.351 of 2016 stands confirmed. Thus, the Civil Revision Petition stand **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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06.02.2023

Speaking Order
Internet : Yes
Index: Yes



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S.M.SUBRAMANIAM, J.

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To:

1. II Additional Subordinate Court, Villupuram.

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