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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4300 of 2022

1.Kannammal
2.Lakshmi
3.Ramakrishnan
4.Chandrasekaran
5.Jayaraj
6.Natarajan
7.Rajagopal
8.Devaraj
9.Vasanthakumar
10.Thilagavathi ... Petitioners

Vs.

1.K.N.Govindarajulu
2.Ranganayaki
3.G.Mohanraj
4.Narendran
5.Thiyagarajan
6.Indira Gandhi
7.Sathiyapriya
8.Venkatesh
9.R.Ganeshkumar
10.M/s.Karuppar Medicals,
Door No.58A, Kalikkanaickenpalayam,
Sundappalayam Post,
Thondamuthur Via
Narasipuram Road,
Coimbatore – 641 007. ... Respondents

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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to dispose of the above suit in O.S.No.136 of 2022 on the file of the V Additional District Judge, Coimbatore at an early date.

For Petitioners : Mr.C.Deivasigamani

O R D E R

The present Civil Revision Petition has been instituted to dispose of the suit in O.S.No.136 of 2022 on the file of the V Additional District Judge, Coimbatore at an early date.

2. The revision petitioners state that they filed a Suit in O.S.No.136 of 2022 against the respondents herein on the file of the V Additional District Judge, Coimbatore.

3. The grievance of the revision petitioners are that the suit is filed for partition and some of the revision petitioners are senior citizens. Unless this case is disposed of at an early date, the plaintiffs cannot enjoy the properties during their lifetime.

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4. Speedy disposal of suits cannot be ordered by the High Court in a routine manner. Number of cases on Board on the file of the Court concerned is to be taken note of. Routine direction, if any issued, would not workout since the practical difficulties and the pressure of work in a particular Court, all to be considered before issuing any such direction. Issuing such a direction for speedy disposal of suit in a routine manner would do no service to the cause of justice, since the Judge concerned may not be in a position to dispose of all such suits within the time limit. The practical difficulties, co-operation of the litigants and lawyers to dispose of the cases are of paramount importance. In the event of non-implementation of a direction, the judicial officer again has to approach the High Court for extension of time, which will become an unnecessary administrative procedure and ultimately, the purpose, for which, such a direction was issued by the High Court also defeated. Thus, direction for speedy disposal of the case is to be considered only by making an assessment in respect of the number of cases on Board in a particular Court, urgency involved and other mitigating factors. Routine direction for speedy disposal is certainly not workable and therefore, this Court is of an opinion that the Court concerned has to regulate its own work in such a manner, so as to ensure

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that the cases are disposed of within a reasonable period of time. Classification of cases for speedy disposal may be done by the judicial officers concerned in their wisdom. The urgency involved in the cases and the senior citizen cases can be given some priority for disposal.

5. High Court, by way of issuing a direction for speedy disposal, cannot discriminate the litigants for disposal of their respective cases. In one case, such a direction is issued without ascertaining the genuine urgency and there are many other cases, which all are really urgent, are kept pending for long years. Thus, the High Court, at no circumstances, is expected to discriminate the litigants or lawyers, who all are appearing for cases. Equal opportunity is to be granted even for disposal of cases, since it is a right conferred. Thus, the Civil Revision Petitions, which all are filed in large number before the High Court for speedy disposal of the cases are to be approached with caution and to ensure that the District Judiciary has not been unnecessarily pressurized by the High Court and in such circumstances, they may not be in a position to perform their duties freely and fairly.

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6. In the present case, the learned counsel for the Revision Petitioners state that some of the the Revision Petitioners are Senior citizens and the Court concerned has to assess how many number of cases filed by the Senior Citizens are pending. Taking note of all those statistics, the Court concerned is at liberty to regulate its own proceedings for speedy disposal and by avoiding unnecessary adjournments.

7. There are large scale allegations amongst the lawyers themselves that the opposite side lawyers are not co-operating for speedy disposal and they are going on getting adjournments on flimsy grounds. Thus, co-operation of the litigants and lawyers are also of important for the purpose of speedy disposal of cases. On the one hand, one lawyer is coming and complaining that the other lawyer is not co-operating. In another case, the very same lawyer is complaining that the lawyer, who made such representation is not co-operating. Mutual blame would not assist for rendering justice to the litigants and it is the duty of the parties to co-operate for effective disposal of cases pending before the Courts.

8. Courts are expected not to grant adjournments in a routine manner.

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Rule is to proceed with the case and adjournment is an exception. Even if adjournments are sought for on genuine grounds, reasons must be recorded and long adjournments are to be avoided. Once the trial is commenced, then the Court must ensure that it is disposed of as early as possible and by not granting long adjournments. All these principles are to be followed systematically by developing a work discipline in the District Judiciary for the improvement of the justice delivery system.

9. In respect of the Interlocutory Applications, urgency involved cases are also to be considered by the Court concerned and such Interlocutory Applications are to be disposed of as expeditiously as possible without any prolongation.

10. In view of the observations made in the aforementioned paragraphs, this Court is not inclined to give any such direction to the trial Court to dispose of the suit and the trial Court in its wisdom, is expected to act in the interest of justice.

11. With these observations, the Civil Revision Petition stands

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dismissed. No costs.

02.01.2023

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Index : Yes
Speaking order:Yes
Neutral Citation :Yes

To

The Judge,

V Additional District Court,

Coimbatore.

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S.M.SUBRAMANIAM, J.

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