



C.R.P.No.4292 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4292 of 2022

- 1.Valli
- 2.Mrs.G.Govindammal
- 3.Minor L.Geetha Priya
- 4.Minor I.Visali

... Petitioners

Vs.

B.Chitibabu

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the entire records in respect of decretal order passed by the Learned Principal District Judge Chengalpet in I.A.No.2 of 2021 in O.S.No.200 of 2016, dated 03.08.2022, and set aside the imposition of condition to deposit Rs.1,00,000/-.

For Petitioner : Mr.D.Rajagopal



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ORDER

The Civil Revision Petition has been filed against the fair and decretal order dated 03.08.2022 passed in I.A. No.2 of 2021 in O.S. No.200 of 2016. The revision petitioners are the defendants and the respondent instituted a suit for the recovery of money.

2. The suit is pending for about past 6 years and if a simple money suit is allowed to be kept pending for an indefinite period, this Court is of an opinion that the trust in the Judicial system will be doubted by the public at large. The parties are attempting to drag on the proceedings one way or the other or by filing unnecessary Interlocutory Applications. Such practice of the litigants at no circumstances be encouraged by the Courts and once such frivolous applications are filed for the purpose of dragging on the proceedings then exemplary or maximum costs are to be awarded.

3.The suits are to be disposed of within a reasonable period of time. It is a money suit which is now kept pending for about 6 years. In the present case, the revision petitioners were set ex-parte on account of their



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non-appearance. An interlocutory application in I.A. No.2 of 2021 was filed to set aside the ex-parte order. The District Court set aside the ex-parte order but with a condition to deposit a sum of Rs.1,00,000/- (Rupees One Lakh) on the account of O.S. No.200 of 2016, on or before 15.09.2022, failing which the petition stands dismissed.

4.The plaint was filed for recovery of a sum of Rs.10,99,000/- (Rupees Ten Lakhs and Ninety-nine Thousand). The Trial Court found that when the revision petitioners allowed the Court to pass an ex-parte order, knowing the fact that the suit is pending for about past 6 years, the District Court is in right to imposing a condition on the revision petitioners to deposit a sum of Rs.1,00,000/- (Rupees One Lakh) on account of O.S. No.200 of 2016. Unless such stringent conditions are imposed, the parties will take undue advantage of the procedures for the purpose of prolonging the litigation.

5.The longevity of the litigations is increased on account of various factors. If any of the parties to the litigation find inconvenience,



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then they are filing application after application or allowing the Court to pass an ex-parte order and thereafter file an application to set aside such ex-parte order. Parties to the litigation are expected to be vigilant in pursuing the case and cooperate for early disposal of the cases. Any attempt for dragging on the proceedings, cannot be encouraged and in such circumstances, the Courts are expected to impose maximum costs or conditions for the purpose of proceeding with the suit.

6.In the present case, the Interlocutory Application filed by the revision petitioners to set aside the ex-parte order was allowed by the Trial Court with a condition to deposit a sum of Rs.1,00,000/- (Rupees One Lakh) on account of O.S. No.200 of 2016 on or before 15.09.2022. The revision petitioners have not complied with the said condition but preferred the said revision petition. This Court does not find any infirmity in respect of the conditions imposed and such conditions are absolutely necessary for the purpose of developing discipline in the matter of conducting cases by the litigants.



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7.Taking note of the fact that the time granted by the Trial Court expired on 15.09.2022, the revision petitioners are at liberty to deposit the condition amount of Rs.1,00,000/- (Rupees One Lakh) on or before 15.01.2023, failing which the Interlocutory Application filed by them for setting aside the ex-parte order stands dismissed automatically.

8.Accordingly, with the above directions, the Civil Revision Petition stands **dismissed**. However, there shall be no order as to costs.

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03.01.2023

Index:Yes
Internet:Yes
Speaking Order

To

1. Principal District Judge, Chengalpet.



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S.M.SUBRAMANIAM.J.,

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