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C.R.P.No.3986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3986 of 2022

and

C.M.P.No.20739 of 2022

1.Mr.Gopu Manjula

2.Mr.Gopu Sridhar

... Petitioners

Vs.

1.K.Anandan

2.A.Raja

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order dated 01.11.2022 passed in I.A.No.4 of 2019 in I.A.No.1 of 2019 in O.S.No.6193 of 2015 on the file of the XIX Additional City Civil Court, Chennai and allow the I.A.

For Petitioners

: Mr.A.D.Janarthanan

For Respondents

: Mr.R.Natarajan



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ORDER

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The Civil Revision Petition is passed against the order dated 01.11.2022, dismissing the Interlocutory Application in I.A.No.4 of 2022 in I.A.No.1 of 2019 in O.S.No.6193 of 2015.

2. The 1st petitioner is the defendant in the Suit and the 2nd petitioner is the proposed 2nd respondent in the Interlocutory Application. The respondents herein instituted a Suit for Recovery of Money, which was decreed in favour of the plaintiffs after adjudication. Pursuant to the preliminary decree passed on 02.04.2018, the Trial Court has to pass final decree and during the period of interregnum, the revision petitioners / defendants filed an Interlocutory Application for impleading the 2nd petitioner as respondent, who is none other than the husband of the 1st petitioner, who is the judgment debtor.

3. The Trial Court adjudicated the Interlocutory Application with reference to the grounds raised for impleading the 2nd petitioner as respondent and made a finding that the 2nd petitioner expressed his



willingness to settle the amount on behalf of the 1st petitioner, against whom the preliminary decree was passed. However, the Court found that impleading of the 2nd petitioner became unnecessary, since the 2nd petitioner is not connected with any of the issues raised in the Suit and he being the husband of the 1st petitioner, if at all intends to settle the amount, he can very well settle the amount in favour of the decree holder. Contrarily, the impleading petition filed to implead the 2nd petitioner become unnecessary and filed with an idea to drag on the proceedings.

4. The learned counsel for the revision petitioners mainly contended that there was a matrimonial dispute, which existed during the relevant point of time and the decree of divorce was granted.

5. However, those matrimonial disputes are no way connected with the Money Suit instituted by the respondent against the 1st petitioner and thus, the 1st petitioner is liable to settle the amount as per the decree passed.



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6. In the present case, the Trial Court made a finding that the revision petitioners have deliberately failed to settle the decree amount in favour of the respondents / plaintiffs and they have suppressed the memorandum of understanding entered into between the husband and wife to bring into the knowledge of the Court to pass the preliminary decree.

7. The Trial Court found that if at all, the 2nd petitioner / husband of the 1st petitioner wants to settle the amount on behalf of his wife, he should have done it at the earlier stage and after passing of the preliminary decree and more so, after a lapse of about 3½ years, the revision petitioners cannot seek for impleading the husband / judgment debtor.

8. The entire nature of the proceedings instituted by the revision petitioners would reveal that they have filed such an Interlocutory Application with an ill-motive to drag on the proceedings and to evade the execution of the preliminary decree passed by the Court and more so, they have not allowed the Trial Court to pass the final decree by filing unnecessary Interlocutory Applications.



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9. Even before this Court, the learned counsel for the revision petitioners state that the petitioners are willing to settle the amount. However, there is no definite time limit or details furnished for the purpose of settling the amount by the revision petitioners. Such a vague submission made before this Court cannot be accepted.

10. The Trial Court need not drag on the proceedings by entertaining such frivolous applications. If at all, any such applications are filed herein after, the Trial Court shall adjudicate the issues and dispose of the same and if it is found to be frivolous or unnecessary, then maximum costs is to be imposed in such circumstances. Courts, at no circumstances, shall allow the parties to drag on the proceedings on flimsy grounds.

11. Adjournments cannot be granted in a routine manner. Rule is to conduct the case, whenever it is listed for hearing and adjournment is an exception and thus, exception can never be a ground. Therefore, even in case of adjournments on genuine grounds, the reasons must be recorded and



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the Courts are expected to dispose of the cases in a consistent manner, enabling the parties to redress their grievances in accordance with law.

12. In the present case, though preliminary decree was passed in the year 2018, the revision petitioners are able to successfully drag on the proceedings for the past about four (4) years. Thus, the Trial Court is directed to complete all the proceedings as expeditiously as possible and ensure that the decree passed is executed, enabling the decree holder to enjoy the fruits of the decree without any further complications.

13. With these observations, the Civil Revision Petition in C.R.P.No.3986 of 2022 stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

31.01.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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To

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The XIX Additional Judge,
XIX Additional City Civil Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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