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C.R.P.No.48 of 2023 & etc., b



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.48, 49, 52, 58 & 60 of 2023

C.R.P.No.48 of 2023

Mr.Karthikeyan

... Petitioner

Vs.

1.R.Sivakumar

2.Tmt.Sellammal

3.R.Srinivasan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruchengode, Namakkal to dispose of I.A.No.843 of 2018 in O.S.No.305 of 2008.

C.R.P.No.49 of 2023

Mr.Karthikeyan

... Petitioner

Vs.

1.R.Srinivasan

2.R.Sivakumar

3.Mr.Venkatachalam

4.Tmt.Chellammal

5.Mr.Ramamoorthi

6.Tmt.Swarnalatha

7.Tmt.Lalithasaraswathi

... Respondents



Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruchengode, Namakkal to dispose of I.A.No.3 of 2021 in I.A.No.101 of 2014 in O.S.No.305 of 2008.

C.R.P.No.52 of 2023

Mr.Karthikeyan

... Petitioner

Vs.

1.R.Srinivasan
2.R.Sivakumar
3.Mr.Venkatachalam
4.Tmt.Chellammal
5.Mr.Ramamoorthi
6.Tmt.Swarnalatha
7.Tmt.Lalithasaraswathi

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruchengode, Namakkal to dispose of I.A.No.101 of 2021 in O.S.No.305 of 2008.

C.R.P.No.58 of 2023

Mr.Karthikeyan

... Petitioner

Vs.

1. R.Sivakumar
2.Tmt.Sellammal
3.R.Srinivasan

... Respondents



Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruchengode, Namakkal to dispose of I.A.No.926 of 2014 in O.S.No.305 of 2008.

C.R.P.No.60 of 2023

Mr.Karthikeyan

... Petitioner

Vs.

1.R.Srinivasan
2.R.Sivakumar
3.Mr.Venkatachalam
4.Tmt.Chellammal
5.Mr.Ramamoorthi
6.Tmt.Swarnalatha
7.Tmt.Lalithasaraswathi

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Tiruchengode, Namakkal to dispose of I.A.No.2 of 2021 in I.A.No.101 of 2014 in O.S.No.305 of 2008.

For Petitioner

: Mr.R.Raman Laal
(in all 5 CRPs)

COMMON ORDER

The Civil Revision Petitions have been filed, seeking direction for speedy disposal of the Interlocutory Applications filed before the learned Subordinate Judge, Tiruchengode, Namakkal and the same are tabulated below:



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<i>Sl.Nos.</i>	<i>CRPs</i>	<i>I.As</i>
1	C.R.P.No.48 of 2023	I.A.No.843 of 2018 in O.S.No.305 of 2008
2	C.R.P.No.49 of 2023	I.A.No.3 of 2021 in I.A.No.101 of 2014 in O.S.No.305 of 2008
3	C.R.P.No.52 of 2023	I.A.No.101 of 2014 in O.S.No.305 of 2008
4	C.R.P.No.58 of 2023	I.A.No.926 of 2014 in O.S.No.305 of 2008
5	C.R.P.No.60 of 2023	I.A.No.2 of 2021 in I.A.No.101 of 2014 in O.S.No.305 of 2008

2. The revision petitioner is the defendant in the Suit, instituted by the respondents/ plaintiffs for Partition.

3. The learned counsel for the revision petitioner mainly contended that the Suit was decreed and thereafter, Interlocutory Applications were filed for condoning the delay, division of property, amendment and for impleading necessary parties.

4. All such Interlocutory Applications filed in the year 2014 are kept pending for the past more than eight (8) years and such long pendency is causing prejudice to the interest of the parties, since the Partition Suit was already decreed. The parties to the Civil Suit are unable to divide the



properties as per the Decree and enjoy the same on account of the pendency of the Interlocutory Applications for the past more than eight (8) years.

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5. No doubt, High Court would not issue direction for speedy disposal of the cases pending before the District Judiciary in a routine manner. However, in certain extraordinary cases, where there is an unreasonable delay, then such directions are required in the interest of justice and to avoid any undue prejudice to either of the parties.

6. In the present cases, the Suit was already decreed long back and the Interlocutory Applications were filed in the year 2014.

7. Considering the facts and circumstances, the Sub Court, Tiruchengode, Namakkal is requested to dispose of the Interlocutory Applications as expeditiously as possible without causing any undue delay.

8. It is needless to state that the parties and their respective learned Counsels have to co-operate for early disposal of the Interlocutory Applications. The Court concerned shall not grant adjournments on flimsy



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grounds. Routine adjournments are to be avoided. Adjournments are to be granted on genuine grounds and reasons are to be recorded. In the event of seeking adjournment on flimsy ground or with a motive to drag on the proceedings, the Court concerned is bound to impose exemplary costs to be paid to the other parties. Rule is to proceed with the cases on the date, it was posted for hearing. Adjournment is an exception and cannot be made as a rule.

9. Thus, the District Judiciary is expected to proceed with the cases on the date of hearing and either of the parties shall not be allowed to take adjournments on flimsy grounds or to drag on the proceedings or with an ulterior motive for forum shopping.

10. All such circumstances must be viewed seriously and the cases are to be decided consistently and in a systematic manner and the District Judiciary has to regulate its own procedure in respect of the cases of on its board for the purpose of disposing of the cases without causing any unreasonable or undue delay.



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11. With these observations, the Civil Revision Petitions in

C.R.P.Nos.48, 49, 52, 58 & 60 of 2023 stand disposed of. No costs.

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11.01.2023

skr/sp

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Judge,
Subordinate Court,
Tiruchengode,
Namakkal.



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C.R.P.No.48 of 2023 & etc., batch

S.M.SUBRAMANIAM, J.

skr

C.R.P.No.48 of 2023 & etc., batch

11.01.2023