



C.R.P.No.4384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4384 of 2022

1.Kamala
D/o.Late Krishtan

2.Sasikala
D/o.Late Krishtan

3.Rani
D/o.Late Krishtan

... Petitioners

Vs.

1.K.Devan
S/o.Late Krishtan

2.K.Arumugam
S/o.Late Krishtan

3.K.Annadurai
S/o.Late Krishtan

4.Nithiyagandhi
W/o.Elumalai

5.E.Robinkumar
S/o.Late Elumalai

6.E.Prema
D/o.Late Elumalai



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7.G.Brinda

D/o.Late Elumalai

8.Raj Kumar

S/o.Late Elumalai

9.A.L.Arumugam

10.R.Selvaraj

11.M/s.S&P Foundation Pvt. Ltd.,

City Tower, 4th Floor, Floor No.7,

3rd Cross Street, Kasturibai Nagar,

Adyar, Chennai -20.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India seeking a direction to dispose of the case in O.S.No.273/2019 pending on the file of Sub-Court, Kancheepuram, within a stipulated time frame.

For Petitioner : Mr.S.Seenuvasan

ORDER

This revision petition has been filed seeking a direction to the Sub-Court, Kancheepuram, to dispose of the case in O.S.No.273 of 2019 within a stipulated time frame.

2. The revision petitioners, who are the plaintiffs in O.S.No.273 of 2019, instituted the suit for declaration and injunction. The grievance of the petitioners is that the suit is pending for the past about 3½ years and therefore, a direction is to be issued to dispose of the suit speedily.



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3. High Court cannot issue a direction for speedy disposal in a routine manner, which would affect the rights of several litigants, who are all awaiting disposal of their cases. Courts are expected to give preference to the cases filed by senior citizens and for the cases where there is genuine urgency for speedy disposal. At the outset, the Court concerned has to regulate the cases on its own and it is not for the High Court to issue a direction for speedy disposal in each and every case. High Court cannot discriminate the litigants. Every litigant is having a right for speedy disposal. Such a right cannot be deprived or infringed on account of directions issued by the High Court indiscriminately in respect of persons, who are approaching the High Court. A question arises if a direction is issued for speedy disposal for one or two cases or in a routine manner, then what would be status of other pending cases, which are awaiting disposal. Thus, the Court concerned is the best person for regulating the cases for speedy and effective disposal and issuing a direction by the High Court would do no service to the cause of justice.

4. This Court would like to ask a question. If the Apex Court issues a direction to the High Court in such a routine manner to dispose of many such cases, whether it will be practically possible for the High Court to dispose of the cases. The same yardstick must be applied by the High Court while issuing



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S.M.SUBRAMANIAM., J

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direction to the District Judiciary and at no circumstances, the District Judiciary will be pressurized unnecessarily, which would result in complex circumstances where the Judge in the District Judiciary may not perform his duties and responsibilities in a free and fair manner. Thus, the High court must exercise restraint in exercising the power under Article 227 of the Constitution of India while issuing directions for speedy disposal.

In the result, this Civil Revision Petition is dismissed. No costs.

05.01.2023

Index : Yes
Speaking order
gm

To
The Sub-Court,
Kancheepuram.

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