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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.66 of 2023

S.Rajavelu ... Petitioner

Vs

1.Chinnusamy

2.Madheswaran

3.Ramasamy

4.P.Ponnusamy

5.P.Saraswathi

6.M/s.Ponni Sugar Mills (Erode) Limited,
Rep.by its General Manager,
Pallipalayam, Cauvery R.S.,
Erode-638 007.

7.K.Mohan ... Respondents

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Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking direction to the learned Subordinate Judge, Tiruchengode to dispose of the suit in O.S.No.237 of 2008 on the file of the Subordinate Judge, Tiruchengode, Namakkal District within a stipulated time.

For Petitioner : Mr.B.S.Manikandan

ORDER

The relief sought in the present civil revision petition is to direct the Sub-Court Tiruchengode, Namakkal District, to dispose of O.S. No.237 of 2008. The Revision petitioner is the plaintiff who instituted a suit for partition.

2.The grievance of the revision petitioner is that the suit is pending for the past about 14 years without any progress. The respondents are attempting to drag on the proceedings by remaining ex-parte and filing Interlocutory Applications to set aside the ex-parte order and such process is leniently considered by the Trial Court which has increased the longevity of

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the Civil Suit, and therefore, the petitioner has chosen to file the present revision petition.

3.Any attempt by the parties to prolong or protract the suit are to be thwarted. The Court cannot aid the parties who are attempting to drag on the proceeding by granting adjournments leniently. Adjournments are to be granted only on genuine grounds by recording reasons. If Adjournments are sought on flimsy grounds then, exemplary costs are to be imposed.

4. High Court cannot issue a direction for speedy disposal in a routine manner. No doubt, the District Court has to give some priority with reference to the case on senior citizen and where there is a genuine urgency. In respect of the other cases, the Court concerned has to recall its own procedure for the purpose of the case on its own.

5. Unnecessary adjournments on flimsy grounds would cause prejudice to the parties to the litigation. Rule is to conduct the case on the date it is

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posted for hearing. Adjournment is an exception. Thus, adjournments are to be granted only on genuine grounds and even in such circumstances, on commencement of trial, long adjournments are to be avoided. The reason is to be recorded by the Courts, if it is genuine.

6. Long pendency of litigations causing untold mental agony to the litigants are to be considered by the Courts concerned, while granting adjournments in a routine manner. Heavy cost is to be awarded to the party seeking adjournment on flimsy grounds or attempting to prolong and protract the case, which is to be paid to the other party who is ready to conduct the case. If such adjournments are frequently sought for, then exemplary or maximum costs are to be awarded by the Court concerned. The endeavour of the Court is to ensure that the cases are disposed of as expeditiously as possible by avoiding unnecessary adjournments.

7. The High Court cannot issue directions to the District Judiciary for speedy disposal of cases in a routine manner. Frequent directions if issued,

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the same cannot be a practical solution. The trust on the District Judiciary due to overburdening of litigation on Board is to be taken into consideration by the High Court. The routine directions for speedy disposal, if it is issued, would further cause unnecessary pressure on the District Judiciary. In many such cases, wherein directions are issued, the District Judiciary has come out with administrative letter, seeking extension of time again and again and thus, the purpose for which such directions were issued by the High Court became defeated.

8. The longevity of the litigations are occurring at the instance of the parties on many occasions. The legal brains are adopting tactical approach to prolong and protract the cases for unjust gains and for Forum Shopping. If any party is having an idea to achieve their goal in an indirect or illegal manner, then they are adopting all such tactics for the purpose of prolonging the case, which cannot be tolerated by the Courts. In some occasion, if any litigant feels that a particular Judicial Officer in the District Judiciary is inconvenient to them, they are seeking adjournments after adjournments or

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filing frivolous Interlocutory Applications through which they all are causing longevity to the litigation. Ill-motives of such litigants if allowed to succeed, then the same will result in miscarriage of justice and thus, the Courts are expected to be cautious while granting unnecessary adjournments on flimsy grounds. All such attempts should be thwarted by the Courts and the Court cannot aid such ill-motive of the parties. The frivolous and unnecessary interlocutory applications are to be dealt with in accordance with the law and if the Court formed an opinion that such Interlocutory Applications are filed with an idea to prolong and protract the issues or filed with ill-motives, then the Court would not hesitate in awarding exemplary or maximum cost on such applications. The cases are to be disposed of in consistent manner to avoid unnecessary allegations and to redress the grievances of the parties approaching the Court of Law.

9. In the event of issuing direction in Civil Revision Petitions for speedy disposal without considering the number of cases pending in a particular Court on Board, it will result in discrimination against many other litigants,

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who all are waiting for disposal of their respective cases. There are allegations against the Courts that the cases are selectively picked up and disposed of. The plight of the poor and downtrodden are also to be taken into consideration, while disposing of the cases. The Court cannot provide any room for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism or otherwise even in the matter of hearing of cases will have larger repercussions on the system. No doubt, certain cases are to be disposed of urgently if there is a public interest involved or the litigants are able to establish genuine urgency for early disposal of the cases. Such cases alone are to be given priority.

10. The practice of giving preference to any litigation without any justification at all circumstances to be avoided. Every litigant approaching the Court of Law is waiting for justice and thus, it must be done in a consistent manner and without discriminating the litigants. Therefore issuing directions indiscriminately for speedy disposal of cases by the District Judiciary would do no service to the cause of justice. The Court concerned is

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expected to regulate its own procedures in respect of the cases on Board for effective disposal and to ensure that the cases are disposed of within a reasonable period of time. However, the High Court cannot issue such directions for speedy disposal unless there is a justification or acceptable reason for issuing any such directions. Every urgency cannot be considered for issuing a direction for speedy disposal, the urgency, which is imminent to be considered.

11. Thus, the Subordinate Judge, Tiruchengode, Namakkal District, is expected to consider and dispose of the case as expeditiously as possible and accordingly, the Civil Revision Petition is **disposed of**. However, there shall be no order as to costs.

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11.01.2023

Speaking Order
Internet : Yes
Index: Yes
Neutral Citation:Yes

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Copy to:

Subordinate Judge, Tiruchengode,

Namakkal District

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S.M.SUBRAMANIAM, J.

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