



C.R.P.No.4268 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.4268 of 2022

B.K.Murugan

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Petitioner

vs

1. Manimegalai
2. Kasthuri
3. Sumathi
4. Kannagi
5. Badmapriya
6. Yuvarani
7. Ilayamanigandan
8. Thiyagarajan
9. Thirumalai

..

Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to fix an early date for disposal of the O.S.No.22 of 2021 on the file of the learned District Munsif at Krishnagiri, Krishnagiri District.

For Petitioners : Mr.M.Kavikannan

ORDER

The civil revision petition is filed to fix an early date for disposal of the O.S.No.22 of 2021 on the file of the District Munsif at Krishnagiri, Krishnagiri District.



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2. The relief sought for in the present civil revision petition is to fix an early date for the disposal of the O.S.No.22 of 2021. The revision petitioner is the first defendant and the respondent herein instituted a suit in O.S.No.22 of 2021 for permanent injunction.

3. Learned counsel for the revision petitioner states that the petitioner is a senior citizen and he has already filed a written statement and thus, the suit is to be disposed of. No doubt, the cases of senior citizens and the cases where parties are able to show some genuine urgency, priority may be given by the Courts concerned. However, High Court cannot issue directions to the District Courts in a routine manner to dispose of the cases on board. The Courts concerned have to regulate its own procedure for the purpose of speedy disposal of the cases. The High Court cannot discriminate the litigation in the matter of disposal of cases and the priority for senior citizens and cases with genuine urgency are to be considered by the Courts for speedy disposal.



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4. In the event of issuing directions in a particular case, the other cases, which are all more genuine, will get affected and would result in discrimination. Thus, the High Court has to exercise restraint in issuing such directions in a routine manner to dispose of the suit by the Trial Court. It may not be practically possible and in the event of issuing such directions to the District Courts, it would unnecessarily pressurize the Judges in the District Judiciary, who may not be in a position to perform their duties and responsibilities in a free and fair manner.

5. The litigations are prolonged on account of variety of reasons. Civil cases are protracted and the longevity of the litigation is increased, mostly, at the insistence of the parties and some time at the insistence of the lawyers.

6. When the parties or lawyers feel inconvenient and with the idea of forum shopping, they get unnecessary adjournments on many occasions.



Sometimes, interlocutory applications are filed unnecessarily to prolong the matter. The cases are conducted one way or other with the idea to achieve their goal and therefore, the Courts are not expected to succumb to such pressure either by the parties or by the lawyers. Courts are expected to be constrained in dealing with the cases uniformly and consistently. Priority is to be granted only based on genuine reasons.

7. Adjournments cannot be granted in a routine manner by the District Judiciary. Rule is to conduct the cases whenever it is posted for hearing. Adjournment is an exception. An exception cannot be made as a Rule. Thus, adjournments are to be granted only on genuine reasons and such reasons are to be recorded. In the event of unnecessary adjournments, the parties are made to suffer and therefore, any party attempting to get such unnecessary adjournments cannot be allowed to do so and exemplary cost must be imposed in such circumstances.

8. In the present case, the suit was instituted in the year 2021. The suit



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is for permanent injunction and written statement was also filed. Thus, it is for the Trial Court to proceed with the matter in accordance with law and this Court is not inclined to issue any such directions for fixing an early date for the final disposal of the civil suit and it is the discretion of the Court concerned to regulate its cases on its board and accordingly dispose of the cases consistently in the interest of justice.

9. Accordingly, this civil revision petition is dismissed. There will be no order as to costs.

Speaking Order/Non-Speaking Order.
Internet : Yes/No
Neutral Citation: Yes/No
drm/nhs

05.01.2023

To
1. The District Munsif, Krishnagiri
Krishnagiri District.



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S.M.SUBRAMANIAM, J.
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