



C.R.P(MD)No.2710 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD) No.2710 of 2023

L.Kapil Dev Louis

...Petitioner

Vs.

1. Rajapalayam Chathiram 1st Schedule Properties

Rep. By its Hereditary Huqdhar

Having Office at No.153,

Railway Feeder Road, Rajapalayam,

Virudhunagar District.

2. Rajapalayam Chathiram 1st Schedule Properties

Rep. by its erstwhile Managing Trustee

(Hereditary Huqdhar)

A.K.D. Venkataramanaraja

S/o. Dharma Krishna Raja

No.35, Dharmaraja Street,

Rajapalayam,

Virudhunagar District.

.....Respondents



C.R.P(MD)No.2710 of 2023

WEB COPY

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District Judge, Srivilliputhur, to expeditiously dispose of the Commercial Suit in O.S.No.53 of 2021 on its file.

For Petitioner : S. Srinivasa Raghavan

ORDER

This Civil Revision Petition is filed seeking a direction to the learned Principal District Judge, Srivilliputhur, to dispose of the Commercial Suit in O.S.No.53 of 2021 expeditiously in the interest of justice.

2. Heard the learned counsel appearing for the petitioner and perused the material available on record.

3. Considering the relief sought in this Revision and in view of the order going to be passed by this Court which will not



C.R.P(MD)No.2710 of 2023

prejudice any rights of the respondents, this Court intends to dispose of the Civil Revision Petition at the admission stage by dispensing with the notice to the respondents, in the interest of justice.

4. The learned counsel for the petitioner submits that the petitioner is the plaintiff and the respondents are defendants in a suit in O.S.No.53 of 2021 on the file of the Principal District Judge, Srivilliputhur, for recovery of a sum of Rs.1,22,83,655/- (Rupees One Crore Twenty Two Lakhs Eighty Three Thousand Six Hundred and Fifty Five only) with interest and cost. The suit was laid on 31.03.2021.

5. The learned counsel would submit that the respondents have been declining the trial and also final disposal of the suit without any justifying reason. In fact the respondents filed their written statement on 16.09.2022, but, the issues were framed only on 04.01.2023. Though this matter was referred to mediation, since the respondents did not appear before the mediation, it could



C.R.P(MD)No.2710 of 2023

not succeed. Even after receipt of failure report of the mediation, the trial Court has not chosen to commence the trial and start recording the evidence of the parties. The time frame fixed by the Commercial Courts Act, for conducting trial and other process are mandatory and cannot be diluted as per the whims and fancies of the respondents/defendants and the Court concerned. Accordingly, the learned counsel sought to allow the Civil Revision Petition with a direction to the concerned learned Principal District Judge, Srivilliputhur, to dispose of the suit in O.S.No.53 of 2021 on its file expeditiously.

6. The learned counsel also has drawn the attention of this Court to Order XV-A Rule 3 of Commercial Courts Act, 2015.

The said Rule is extracted herein under :

“O.XV-A R.3.— Time limit for the completion of a trial.—In fixing dates or setting time limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.”



C.R.P(MD)No.2710 of 2023

WEB COPY

7. On plain reading of Rule 3 of the said Act, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing. The expression made in this Rule with regard to closure of the arguments it has to be considered that arguments stage will come only after recording the evidence and completion of the trial.

8. Admittedly, in this case, though the suit is instituted in the year 2021, till six months, it appears that there is no progress in the proceedings of the suit.

9. In view of the above, in the considered opinion of this Court, it is appropriate to direct the learned Principal District Judge, Srivilliputhur, to expeditiously dispose of the suit in O.S.No.53 of 2021 on its file, in the interest of justice and as per the procedure provided under Order XVA Rule 3 of the Commercial Courts Act, 2015.



C.R.P(MD)No.2710 of 2023

WEB COPY

10. Accordingly, this Civil Revision Petition is disposed of with a direction to the learned Principal District Judge, Srivilliputhur, to dispose of the Commercial Suit in O.S.No.53 of 2021 on its file, as expeditiously as possible, but not beyond the period of four months from the date of receipt of a copy of this order.

11. No costs.

20.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM



C.R.P(MD)No.2710 of 2023

To
WEB COPY

The Principal District Judge,
Principal District Court,
Srivilliputhur.



WEB COPY



C.R.P(MD)No.2710 of 2023

BATTU DEVANAND, J.

RM

C.R.P(MD) No.2710 of 2023

20.10.2023