



Crp No.172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.172 of 2024

Renuka

... Petitioner

Vs.

1. Gowrammal
2. N.Boopathi
3. Yuvarani
4. Babu

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned Principal Subordinate Judge, Hosur to dispose of the O.S.No.347/2022, within a stipulated time frame as fixed by this Court.

For Petitioner : Mr. C.Prakasam

ORDER

This Civil Revision Petition has been filed to direct the learned Principal Subordinate Judge, Hosur to dispose of the O.S.No.347/2022, within a stipulated time frame as fixed by this Court.

2. On perusal of the records, it shows that the petitioner herein is the



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plaintiff and she has filed the above suit against the respondents/defendants seeking partition. Pending suit, the respondents/defendants have entered into a sale agreement with the third party for selling the property. Hence, the petitioner has filed I.A.No.2/2022 seeking temporary injunction restraining the respondents/defendants from creating any encumbrance on the suit property. However, the learned Trial Judge has not passed any order in the above application, on the other hand, the respondents are taking steps to execute the sale deed. In such circumstances, the petitioner sought direction of this court to the Trial Judge for speedy disposal of the case within a time frame.

3. At this juncture, it is worthwhile to note that the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra*** has dismissed the writ petition, by observing as follows.

“ We are of the view that since every High Court and every Court in the country has a huge pendency, the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case, before any court, unless the situation is extra ordinary.”

4. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the



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cases in the above Court is 916.

5. Considering the pendency of the cases and also taking note of the fact that the suit is filed for partition and in the meantime, the petitioner is on fear that the respondents are taking steps to sell the suit property to the third party, the learned Principal Subordinate Judge, Hosur is directed to dispose of the I.A.No.2/2022, within three months from the date of receipt of a copy of this order and thereafter, dispose the main suit, as early as possible.

6. With the above direction, the Civil Revision Petition is disposed of.

No costs.

19.02.2024

Index:Yes/No
Internet:Yes/No
mst

To

The Principal Subordinate Judge, Hosur.



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V.SIVAGNANAM, J.

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