



Crp No.4628 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.4628 of 2023

D.Sudhasekar

... Petitioner

Vs.

S.Yuvarani

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the District Munsif Court at Katpadi, Vellore District to dispose of the O.S.No.10/2016, pending on its file, within a time frame as fixed by this Court.

For Petitioner : Mr. C.D.Sugumar

ORDER

This Civil Revision Petition has been filed to direct the District Munsif Court at Katpadi, Vellore District to dispose of the O.S.No.10/2016, pending on its file, within a time frame as fixed by this Court.



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2. On perusal of the records, it shows that the petitioner herein is the defendant and the respondent herein has filed the above said suit to declare the title over the schedule mentioned property in favour of the plaintiff; and consequently, grant permanent injunction restraining the defendant and his men from interfering with her peaceful possession and enjoyment of the suit property. Further, the case history shows that, issues have been framed in the year 2020 and posted for Trial. Thereafter, the case is pending for awaiting records from the year 2020 to 2022 and now, the main suit is pending from 13.02.2023, in view of the pendency of I.A.

3. The learned counsel for the petitioner/defendant submitted that the case is of the year 2016 and it is pending before the Trial Court, without any progress for a long period and as on date, Trial has not yet begin. Therefore, he seeks for direction to the Trial Court to dispose the above suit, within a time frame, as fixed by this Court.

4. Heard the learned counsel for the petitioner and I have perused the materials on record.



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5. Admittedly, the case is of the year 2016 and issues have been framed in the year 2020 itself and posted for trial. Thereafter, there is no progress in the suit. 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 Maharashtra*** 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.”

6. Further, it is noticed that the total pendency of the cases in the above court is more than 152. In such circumstances, considering the pendency of the cases and also taking note of the fact that, after framing of issues in the year 2020, the case is pending for Trial for more than 3 years, without any progress, this court is inclined to allow the civil revision petition.

7. Accordingly, the Civil Revision Petition is allowed and the District Munsif, Kadpadi, Vellore District is directed to dispose the O.S.No.10/2016, within four months from the date of receipt of a copy of this Order. No costs.

19.01.2024

Index: Yes/No

Internet: Yes/No



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To

The District Munsif, Katpadi, Vellore District.



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V.SIVAGNANAM, J.

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