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C.R.P.No.2843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2843 of 2024

Dhakshinamoorthy

... Petitioner

Vs.

M.S.Manohar,
S/o.Subburayan
Managing Director,
Kancheepuram S.M. Silks,
824, Sathy Road, Gandhipuram,
(GP Signal Nearby)
Coimbatore – 12.

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the IV Additional District Court, Coimbatore to dispose of the suit in O.S.No.43 of 2022 within a time frame.

For Petitioner : Ms.R.Poornima



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ORDER

The petitioner/plaintiff in O.S.No.43 of 2020 has filed the above revision, seeking a direction to the IV Additional District Court, Coimbatore to dispose of the suit in O.S.No.43 of 2020 within a time frame.

2.The petitioner filed a money suit seeking a direction to the respondent, who is the Managing Partner of Kancheepuram S.M. Silks, to pay the borrowed loan amount of Rs.14,12,000/- along with interest. Finding that the respondent adopting all dilatory tactics, the petitioner is constrained to approach this Court and filed a revision in C.R.P.No.1184 of 2021 seeking for speedy disposal of the suit. This Court, by order dated 06.08.2021, directed the trial Court to dispose of the suit within a period of three months from the date of receipt of copy of that order. Thereafter too, the respondent not appeared and participated in the proceedings. Hence, he was set ex-parte on 17.08.2022. After obtaining the judgment and decree in favour of the petitioner, the petitioner filed E.P.No.246 of 2022, again it was delayed.



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Hence, the petitioner approached this Court in C.R.P.No.4020 of 2023 and this Court, by order dated 20.10.2023, directed the trial Court to dispose of the E.P. within a period of two months. Thereafter, the respondent filed a petition to set aside the ex-parte decree. The petitioner had given no objection and the suit was restored on 01.02.2024. Thereafter, the case was posted to 28.02.2024, 11.03.2024 and 02.04.2024 for arguments. After 02.04.2024, the case was posted to 06.04.2024, 10.04.2024, 22.04.2024, 26.04.2024, 15.06.2024 for recording evidence and now posted on 19.08.2024 for the same purpose.

3.The contention of the learned counsel for petitioner is that despite directions given by this Court on earlier two occasions in C.R.P.Nos.1184 of 2021 and 4020 of 2023, the trial Court giving long adjournments at the request of the respondent and not showing inclination to dispose of the suit as per the directions of this Court is not proper. Earlier, when the case came up on 15.06.2024, it was adjourned to 19.08.2024. Giving two months



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adjournment, such long adjournment not required and that to decide the money suit. The petitioner is now aged about 88 years and his only wish is that he has to see the justice before his lifetime, on the other hand, the respondent, a business person with means adopting all dilatory tactics and the Court is also not sensitive to the petitioner's plea and to the directives of this Court. Hence, the above direction is sought for.

4.Since it is only a limited prayer seeking direction to dispose of O.S.No.43 of 2020 within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

5.Considering the submission made and on perusal of the earlier orders passed by this Court and the e-Court proceedings, this Court finds that the learned IV Additional District Judge, Coimbatore seems to be insensitive in adhering to the directions of this Court and mechanically granting long adjournments adding to the sufferings of the petitioner/plaintiff, who is now 88 years old.



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6. In view of the same, this Court directs the trial Court (IV Additional District Court, Coimbatore) to dispose of O.S.No.43 of 2020, within a period of one month from 19.08.2024 and report compliance to this Court.

7. With the above directions, the Civil Revision Petition is disposed of. No costs.

24.07.2024

Index : Yes/No
Internet : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes/No
rsi

To
The IV Additional District Judge,
Coimbatore.

Note: Issue order copy on 26.07.2024



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M.NIRMAL KUMAR, J.

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24.07.2024