



WEB COPY



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

C.M.P.No.17766 of 2024
in C.M.P.No.1607 of 2024
in C.R.P.No.3314 of 2007

V.LAKSHMINARAYANAN, J.

This is an application seeking payment of monthly amount of Rs.13,000/- each to the first and second petitioners from 01.08.2024 till the disposal of the suit in O.S.No.409 of 2005 on the file of the Principal District Munsif Court at Puducherry.

2. The petitioners are the plaintiffs in the suit. They have sought the relief of declaration that their expulsion from Sri Aurobindo Ashram is null and void and for other consequential reliefs. The suit has been pending for the past 19 years and on account of the pendency of the petition and order passed by this Court, the first respondent Trust has been disbursing a sum of Rs.13,000/- each to the petitioners. When the matter came up before me on 20.07.2023, I had granted the relief sought for by the petitioners herein and requested the learned Principal District Munsif, Puducherry to take up O.S.No.409 of 2005 as well as O.S.No.668 of 2002 and dispose it on



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

WEB COPY or before 31.12.2023.

3. Subsequently, the order granting monthly payment was extended by my brother Sounthar in C.M.P.No.1607 of 2024 dated 18.03.2024. He had accepted the reasoning given by me on 20.07.2023 and stated that in case the suit is not disposed of by 31.07.2024 and if the Court comes to a conclusion it is delayed on account of the petitioners, they may not be entitled to the monthly sum. He further stated that if the delay is on account of the act of Ashram, it will be open to the petitioners to come forward with a similar petition. Pleading that the Ashram had delayed the proceedings, the plaintiffs/petitioners have filed the present petition.

4. I heard Ms.Hemlata Prasad, party-in-person and Mr.C.A.Diwakar for respective parties.

5. Since Ms.Hemlata Prasad argues that after the order had been passed by this Court, applications had been taken for recasting the issues by the defendants. She states that she had also taken out applications to strike off the pleadings of the respondents, the



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

WEB COPY

applications being I.A.Nos.4 and 6 of 2024. This was on account of the fact that the issues had been recast by the Court on 14.12.2023.

6. Mr.Diwakar argues that the delay in disposal of the proceedings is not on account of the Ashram. He points out that Ms.Hemlata Prasad, as PW1, had been cross-examined in detail on 18.11.2016. The matter had been posted for further evidence on the side of the plaintiffs on 25.11.2016. Subsequently, the evidence of the plaintiffs was closed and the defendants had commenced their evidence on 05.10.2017. At that stage, Ms.Hemlata Prasad, as PW1, moved applications to reopen and recall and also to file additional documents. The said applications were allowed and additional proof/ chief affidavit was filed on 05.09.2018. He points out that thereafter, the matter has been adjourned for one reason or the other and the Ashram is put to difficulty in paying a sum of Rs.13,000/- per petitioner.

7. I have carefully considered the submissions of both sides.



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

WEB COPY

8. The *lis* between the parties commenced at least 22 years ago, in the year 2002. Subsequently, a suit came to be filed in O.S.No.409 of 2005. The parties have been litigating in all available forums, including the Supreme Court and yet *lis* has not come to an end. Pleading that plaintiffs are entitled to clear the blemishes cast on the fair name of the original first plaintiff; the plaintiffs 4 and 5 are continuing the litigation on her behalf and on behalf of themselves. Apart from this suit, there seems to be another suit in O.S.No.1666 of 2023 on the file of the Principal District Munsif Court at Puducherry and another suit in O.S.No.142 of 2024 on the file of the Principal District Court at Puducherry.

9. The agony of the parties has to come to an end. At least, two decades have passed by from the time of presentation of the plaint. Both Ms.Hemlata Prasad and Mr.Diwakar pointed out that there is no District Munsif currently holding the office of the III Additional District Munsif Court. They pleaded that II Additional District Munsif is holding the additional charge of I and II Additional Munsif Court



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

WEB COPY

and is finding hardly any time to deal with the suits despite the directions of this Court.

10. I requested for a report from the Registrar (Judicial) of this Court. He would brought to my notice that currently a new Court has been created as the IV Additional District Munsif Court at Puducherry and matters are proceeding before the said Court. Taking into consideration the report filed by the Registrar (Judicial), I am inclined to transfer the suit now pending before the Principal District Munsif Court at Puducherry to the file of IV Additional District Munsif Court, Puducherry. Accordingly, the following order is passed:

- (i) The Principal District Munsif Court shall forthwith transfer O.S.No.409 of 2005 and O.S.No.668 of 2002 to the file of learned IV Additional District Munsif at Puduchery;
- (ii) On receipt of the records, learned IV Additional District Munsif shall conduct day-to-day trial of the suits. Both the party in person as well as Mr.Diwakar report that they shall fully cooperate for the disposal of the suit;
- (iii) Learned IV Additional District Munsif is at absolute liberty



WEB COPY



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

to reject any plea of adjournment or to nip at the bud any attempts made for dragging on the proceedings at the hands of either parties and proceed with the matter expeditiously. This is because this Court has given directions for disposal of the suit thrice over;

- (iv) Learned IV Additional District Munsif shall look into the draft issues that have been framed by the Court on 14.12.2023 and shall answer such issues that are necessary for the disposal of the suit. He need not be bogged down in the trial, on account of the pendency of I.A.Nos.4 and 6 of 2024. He shall ensure that the suits are disposed of on or before 28.04.2025 and shall submit a report to this Court immediately;
- (v) It is made clear that this Court will not extend any further time at the instance of either parties or on the request of the Court;
- (vi) Since the direction is given to dispose of the suit and as the suits are pending on account of the fact that both the parties have taken out applications, I cannot find fault



WEB COPY



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

with the petitioners for the matter having been pending beyond 31.07.2024. The first respondent Ashram shall pay a sum of Rs.13,000/- each to the petitioners till April 2025.

C.M.P.No.17766 of 2024 stands allowed.

28.10.2024

kpl



WEB COPY



C.M.P.No.17766 of 2024
in C.R.P.No.3314 of 2007

V.LAKSHMINARAYANAN,J

(kpl)

C.M.P.No.17766 of 2024
in C.M.P.No.1607 of 2024
in C.R.P.No.3314 of 2007

28.10.2024