



A.S.No.697 of 2024

J.NISHA BANU, J.,
and
R.KALAIMATHI, J.,

Today the matter is listed under the caption “for being mentioned”. Learned counsel for the appellant submitted that at paragraph no.7 of the operative portion of the Judgment, instead of “*District Judge, Chengalpattu*”, the same shall be corrected to read as “*Principal District Judge, Chengalpattu*”.

2. Considering the submissions made by the learned counsel for the appellant, the above said corrections may be effected and “*District Judge, Chengalpattu*” is corrected to be read as “*Principal District Judge, Chengalpattu*”. The corrected paragraph may be read as under:-

“7. Therefore, we are setting aside the judgment and decree impugned herein and the matter is remanded back to the file of the Principal District Judge, Chengalpattu for fresh disposal from the stage of arguments. The Principal District Judge, Chengalpattu is directed to dispose of the same, after hearing both the parties, within a period of (06) weeks from the date of receipt of a copy of this judgment and the parties are directed to extend their complete cooperation by not taking any adjournment. No further notice will be given to

J.NISHA BANU, J.,



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and
R.KALAIMATHI, J.,

*the parties and the parties are directed to appear before
the Principal District Judge, Chengalpattu on 29.11.2024
for making their submissions”.*

3. Registry is directed to carry out the above corrections and re-issue
corrected order copy to the parties concerned.

(J.N.B.,J.) (R.K.M.,J.)
20.11.2024

sts

Note: Registry is directed
to issue Order Copy on **25.11.2024**

A.S.No.697 of 2024



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

**A.S.No.697 of 2024
and C.M.P.No.22506 of 2024**

S.Kasthuri

..Appellant

Vs.

1. M/s. Vinoth Foundation,
rep. by its Director,
S.Anusuya
W/o S.Swaminathan,
at Unit-1, No.7, Periyar Nagar 2nd Street,
Urapakkam, Chengalpet Taluk,
Kancheepuram District - 603 210.

Sabiya (died),
D/o P.M.Abuul Kadhar

..Respondent

PRAYER: Appeal filed Section 96 read with Order 41 Rule 1 of C.P.C
against the judgment and decree dated 20.06.2024 made in O.S.No.278 of
2017 on the file of the learned Additional District Judge, Chengelpattu.

For Appellant : Mr.Muralikumaran,
Senior Counsel for
M/s. Mcgan Law Firm

For Respondent : Mr.S.M.Sridhar



J U D G M E N T

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(Judgment of the Court made by Mrs.J.Nisha Banu,J.)

The present Appeal is filed by the 1st defendant in the suit, in O.S.No.278 of 2017 on the file of the Additional District Judge, Chengalpattu against the Judgement and Decree dated 20.06.2024.

2. The suit was filed by the 1st respondent/plaintiff against the appellant herein and the 2nd respondent, who were arrayed as the defendants 1 and 2 respectively, for recovery of the advance amount of Rs.40,00,000/- paid by the plaintiff to the 1st defendant, in pursuant to an Agreement of Sale dated 06.11.2014 along with an interest of Rs.9,00,000/- till the date of the suit together with 18% interest per annum from the date of suit till the date of realisation.

3. The suit was resisted by the 1st defendant among other contentions, that the said advance amount was repaid and the same is also evidenced by exhibit B2.

4. The Trial Court, after adjourning the case on 27.04.2023 to 28.04.2023 for perusal of written arguments and judgment, it is seen that on



28.04.2023, the case was reposted to 13.06.2023 with an adjudication "Judgment not ready call on 13.06.2023". Thereafter, the matter was reposted on various dates and the Judgment and Decree came to be passed on 20.06.2024, passing the Decree in favour of the plaintiff.

5. Though, the appellant has raised various grounds challenging the Judgment and Decree passed by the Trial Court, including that of the delay in delivery of the Judgment, this Court without going into the merits of the contentions raised by the appellant, deems it appropriate to set aside the impugned Judgment and Decree and remand back the matter on the ground that the Trial Court, after having reserved the matter and posted the same for Judgment has delivered the Judgement, after a period of approximately 14 months. Such delay in delivering the Judgment, after reserving, is against the proviso to Order 20 Rule 1 of CPC, which mandates delivery of Judgment within 60 days from the date of conclusion of hearing.

6. The Hon'ble Supreme Court has consistently deprecated such practise, in various Judgments. In the case of *Anil Rai vs. State of Bihar* reported in **2001 7 SCC 318**, which was followed in *Balaji Balram Mupade and anr vs. State of Maharashtra & others* reported **2021 12 SCC 603** and *Indrajeet Yadav v. Santosh Singh* reported in **2022 SCC Online**



SC 461, their Lordships cited the observations in the case of ***Bhagwandas Fatechanci Daswani & Ors vs Hpa International And Ors*** reported in AIR 2000 SC 775 which held that long delay in delivery of judgment gives rise to unnecessary speculation in the minds of the parties to a case. In the said Judgment, their Lordships also took notice of the observations of the Arrears Committee constituted by the Government of India.

"...7. Adverse effect of the problem of not pronouncing the reserved judgments within a reasonable time was considered by the Arrears Committee constituted by the Government of India on the recommendation of the Chief Justices' Conference. In its report of 1989-90, Chapter VIII, the Committee recommended that reserved judgments should ordinarily be pronounced within a period of six weeks from the date of conclusion of the arguments. If, however, a reserved judgment is not pronounced for a period of three months from the date of the conclusion of the arguments, the Chief Justice was recommended to be authorised to either post the case for delivering judgment in open court or withdraw the case and post it for disposal before an appropriate Bench."



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7. Therefore, we are setting aside the judgment and decree impugned herein and the matter is remitted back to the file of the District Judge, Chengalpattu for fresh disposal from the stage of arguments. The District Judge, Chengalpattu is directed to dispose of the same, after hearing both the parties, within a period of six(06) weeks from the date of receipt of a copy of this judgment and the parties are directed to extend their complete cooperation by not taking any adjournment. No further notice will be given to the parties and the parties are directed to appear before the District Judge, Chengalpattu on 11.11.24 for making their submissions.

Index : Yes / No
Internet : Yes
vsi

(J.N.B,J.) (R.K.M., J.)
21.10.2024

Note: Issue order copy on 30.10.2024.

To:

The Additional District Judge
Chengalpattu.



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J. NISHA BANU, J.
and
R.KALAIMATHI,J.

vsi

A.S.No.697 of 2024

21.10.2024