



CRP.No.4872 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.4872 of 2023

1.I.Selvi

N.Manoharan (deceased)

2.M.Mohanasundari

3.M.Rohit

...

Petitioners

Vs.

N.Anand @ Nithyanand (deceased)

1.A.Thara

2.A.Srinivasan

3.M/s.Shree Shubiksha Hosing &

Enterprises Pvt.Ltd.,

Reptd.By Executive Director/

Authorised Signatory, Vijay Sundar...

Respondents

Prayer: The Civil Revision Petition has been filed under Article 227 of Constitution of India to issue a direction to dispose of O.S.No.3371 of 2016 filed by the petitioner pending before the learned XVII Additional City Civil Court, Chennai, within a limited time and speedy disposal.

For Petitioners : Mr. R.Arunkumar

ORDER



CRP.No.4872 of 2023

WEB COPY

This civil revision petition has been filed to issue a direction to dispose of O.S.No.3371 of 2016 filed by the petitioner pending before the XVII Additional City Civil Court, Chennai, within a limited time and speedy disposal.

2.The learned counsel appearing for the petitioner submitted that the petitioners have filed the original suit in O.S.No.3371 of 2016 for permanent injunction before the XVII Additional City Civil Court. The first petitioner is aged about 70 years and her health condition also very poor and the 2nd plaintiff viz., N.Manoharan died on 17.10.2021. His legal heirs were impleaded and the third petitioner also a senior citizen. Writ statement was filed in the year 2016. The first defendant also died and his legal heirs were impleaded. There is no purpose in keeping the matter pending. Hence, the petitioners by way of the present civil revision petition sought a direction of this court to the Trial Judge to dispose the case within a limited time and speedy disposal.



CRP.No.4872 of 2023

WEB COPY

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioners and perused the material available on record.

4.On verification through e-filing, the total pendency of the trial Court is 10,245. With regard to the speedy disposal of pending cases in the Court, 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* held 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.”

5.Considering the pendency of the case before the trial Court and the decision of 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*, no time bound order can be passed for disposal of the case. However, considering the fact that since the matter is pending



CRP.No.4872 of 2023

WEB COPY

from the year 2016 and the health condition of the parties, who are aged persons and some of the parties have died, this Court directs the learned XVII Additional City Civil Court, Chennai, to dispose the case in O.S.No.3371 of 2016 as early as possible after affording an opportunity to both the parties.

6.With the above direction, the Civil Revision Petition is allowed. No costs.

Index:Yes/No
Internet:Yes/No
sms

19.01.2024

To

The XVII Additional City Civil Court,
Chennai,

V.SIVAGNANAM, J.



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CRP.No.4872 of 2023

sms

CRP No.4872 of 2023

19.01.2024